

AMENDED AND RESTATED BYLAWS

OF

POTOMAC VALLEY SWIMMING, INC.

October 13, 2013¹

¹ Bylaws as amended November 18, 1997, May 24, 2001 and May 25, 2004 are available [here](#).
Highlighted revisions as of May 23, 2007 are available [here](#).
Highlighted revisions as of May 23, 2008 are available [here](#).
May 20, 2009 revisions were for officials committee terms & limitations under Section 7.4.3C.
May 23, 2011 revisions were for changes from the 2010 PVS HOD Meeting (to change the timing of athlete representative elections to the SCY championship meets and to add a Board position for Inclusion/Diversity), and the remainder for changes required by actions at the 2009 and 2010 USA Swimming HOD meetings.

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USA Swimming House of Delegates has approved and amended Required LSC Bylaws, which each LSC, within the flexibility granted in the Required LSC Bylaws, is required to adopt. USA Swimming House of Delegates shall retain the authority over these Required LSC Bylaws, including the right to amend in accordance with Article 511 of USA Swimming Rules and Regulations. Amendments to the Required LSC Bylaws by the USA Swimming House of Delegates are given automatic effect as of the effective date of legislation with respect to an LSC's Bylaws. [LSCs are required to update their bylaws and send a copy to \[bylaws@usaswimming.org\]\(mailto:bylaws@usaswimming.org\) within 60 days of the effective date of any changes to the Required LSC Bylaws adopted by the USA Swimming HOD or the LSC HOD.](#)

ARTICLE 1 NAME, OBJECTIVES, TERRITORY AND JURISDICTION

1.1 NAME - The name of the corporation shall be Potomac Valley Swimming, Inc. ("PVS").

1.2 OBJECTIVES - PVS shall promote swimming and foster equal access for competitive opportunities for the benefit of swimmers of all ages and abilities, in accordance with the standards, rule, regulations, policies and procedures of FINA, USA Swimming and PVS and its Articles of Incorporation. The objectives and primary purpose of PVS shall be the education and assurance of instruction and training of individuals to develop and improve their capabilities in the sport of swimming.

1.3 GEOGRAPHIC TERRITORY - The geographic Territory of PVS is the District of Columbia and in the State of Maryland, the Counties of Montgomery and Prince George's, and in the Commonwealth of Virginia, the Counties of Arlington and Fairfax and the cities of Alexandria and Falls Church.

1.4 JURISDICTION - PVS shall have jurisdiction over the sport of swimming as delegated to it as a Local Swimming Committee by USA Swimming to conduct swimming programs consistent with PVS' objectives and those of USA Swimming and to sanction, approve, observe and oversee competitive swimming events within the Territory and to conduct competitive swimming events within the Territory, its Region and its Zone (as those terms are defined in the current version of the USA Swimming Rules and Regulations). PVS shall discharge faithfully its duties and obligations as a Local Swimming Committee of USA Swimming in accordance with these Bylaws, the USA Swimming Rules and Regulations and all applicable policies and procedures.

ARTICLE 2 MEMBERSHIP

2.1 MEMBERS - The membership of PVS shall consist of the following:

.1 GROUP MEMBERS - Group Members are organizations operating in the Territory which have, upon application, been granted membership in USA Swimming and PVS and paid the fees established by USA Swimming and PVS pursuant to Article 3. An organization may be denied membership by the Registrar (PVS name for the Registration/Membership Coordinator) or the Board of Directors for failure to satisfy the criteria for membership or for any reason for which a Group Membership could be terminated. An organization's status as a Group Member is subject to its continued satisfaction of the criteria for membership and compliance with its responsibilities under these Bylaws, the USA Swimming Rules and Regulations, the rules, regulations, policies, procedures and codes of conduct and ethics of PVS and USA Swimming and may be terminated by a decision of the -, Board of Review, or the National Board of Review. Except for Affiliated Group Members, Group Members in good standing shall be entitled to participate in the program of swimming conducted by PVS, and

competitions sanctioned or approved by USA Swimming, in accordance with Section 9.2. Any denial of membership may be appealed to the Board of Review.

A. Club Members - A Club Member is an organization which is in good standing as a Group Member of PVS and USA Swimming, has athletes and coaches, and participates in the sport of swimming. All athletes and coaches of the organization must be Individual Members in good standing of PVS and USA Swimming.

B. Affiliated Group Members - An Affiliated Group Member is an organization which supports the sport of swimming and the objectives and programs of PVS and USA Swimming, which is in good standing as a Group Member of PVS and USA Swimming, but which does not have athletes and coaches who are all Individual Members of PVS and USA Swimming.

.2 INDIVIDUAL MEMBERS - Individual Members are individuals involved in the sport of swimming in the Territory who have, upon registration, been granted membership in USA Swimming and PVS and paid the dues established by USA Swimming and PVS pursuant to Article 3. An individual may be denied membership by the Registrar or by the Board of Directors for failure to satisfy the criteria for membership or for any reason for which an Individual Membership could be terminated. Any denial of membership may be appealed to the Board of Review. An individual's status as an Individual Member is subject to the Individual Member's continued satisfaction of the criteria for membership and compliance with the individual's responsibilities under these Bylaws, the USA Swimming Rules and Regulations, the rules, regulations, policies, procedures and codes of conduct and ethics of PVS and USA Swimming and may be terminated by a decision of the Board of Review, or the National Board of Review. Individual Members in good standing shall be entitled to participate in the program of swimming conducted by PVS, and competitions sanctioned or approved by USA Swimming, in accordance with Section 9.1.

A. Athlete Members - An Athlete Member is an individual who participates or competes in the sport of swimming and is in good standing as an Individual Member of PVS and USA Swimming.

B. Coach Members - A Coach Member is an individual, whether or not affiliated with a Group Member, who has satisfactorily completed all safety and other training required by USA Swimming and who is in good standing as an Individual Member of PVS and USA Swimming. Any individual desiring to act in any coaching capacity at any competition sanctioned by USA Swimming must be a Coach Member in good standing of PVS and USA Swimming.

C. Active Individual Members - An Active Individual Member is an individual other than a Coach Member or an Athlete Member who is a trainer, manager, official, meet director, marshal, Board Member, At-Large House Member, officer, coordinator or committee chair or committee member of PVS or a Group Member Representative or alternate.

D. Seasonal Athlete Members - A Seasonal Athlete Member is an individual who participates or competes in the sport of swimming and has joined for the period of April through August in a registration year and is in good standing as an Individual Member of PVS and USA Swimming.

.3 MEMBERSHIP TERMINATION - Membership in PVS and USA Swimming is a privilege and shall not be interpreted as a right. Membership may be terminated by the Board of Review, or the National Board of Review for any violation of a member's responsibilities under Section 2.2, for any of the reasons set forth in Part Four of the USA Swimming Rules and Regulations or for any other reason determined by the Board of Review, or National Board of Review to be in the best interests of the sport of swimming, USA Swimming or PVS.

2.2 MEMBERS' RESPONSIBILITIES

.1 COMPLIANCE - Each Group and Individual Member shall abide by the codes of conduct and ethics, policies, procedures, rules and regulations adopted by USA Swimming and PVS, including its obligations and responsibilities set forth in these Bylaws. Each Group and Individual Member shall not take or allow to be taken, any action, or conspire with or instigate any other person to take, or allow to be taken, any action which could bring the sport of swimming, PVS or USA Swimming into disrepute. By applying for and accepting membership in PVS and USA Swimming, each Individual Member agrees to so abide and represents, except to the extent disclosed to PVS and USA Swimming, that he or she has never been convicted of a crime involving sexual misconduct, child abuse, violation of a law specifically designed to protect minors, or similar offenses, or to have been found by a Board of Review or the National Board of Review to have committed actions which would be the basis for a conviction, and that she or he has never acted in a manner which might bring into disrepute PVS, USA Swimming or the sport of swimming.

.2 RESPONSIBILITY FOR INFRACTIONS - A Group Member may be held responsible for infractions of the policies, procedures, rules, regulations or codes of conduct or ethics adopted by USA Swimming or PVS, including its responsibilities as set forth in these Bylaws. Infractions of a Group Member include those committed or allowed to happen by its members, representatives, officials or coaches or by athletes who are competing as representatives of the Group Member or who are competing with the Group Member as unattached swimmers. Also included are infractions committed or allowed to happen by a person instigated by the Group Member or with whom the Group Member through any of those individuals conspired. Any Individual Member may be held responsible for any infractions committed or that were allowed to happen by the Individual Member. Also included are infractions committed or allowed to happen by a person instigated by the Individual Member or with whom the Individual Member conspired.

ARTICLE 3 DUES AND FEES

3.1 CLUB MEMBERS - Every Club Member and Seasonal Athlete Member shall pay an annual, or seasonal (respectively) fee consisting of a national club fee established by USA Swimming and a local club fee established by PVS, together with any other charges, fees, etc. as may be established by PVS.

3.2 AFFILIATED GROUP MEMBERS - The Board of Directors shall establish the annual membership fees and any other charges, fees, etc., for Affiliated Group Members.

3.3 ATHLETES - Each Athlete Member and Seasonal Athlete Member shall pay an annual or seasonal fee, respectively, consisting of a national fee established by USA Swimming and a local fee established by PVS.

3.4 COACHES - Each Coach Member shall pay an annual fee consisting of a national fee established by USA Swimming and a local fee established by PVS, together with any other charges, fees, etc. as may be established by PVS.

3.5 ACTIVE INDIVIDUAL MEMBERS - Each Active Individual Member shall pay an annual fee consisting of a national fee established by USA Swimming and a local fee established by PVS, together with any other charges, fees, etc. as may be established by PVS.

3.6 SANCTION, APPROVAL AND OTHER FEES

.1 SANCTION AND APPROVAL FEES - The Board of Directors shall establish reasonable fees, procedures, and documentation required of an applicant for a sanction or approval for, or observation of, a swimming competition to be conducted within the Territory.

.2 SERVICE CHARGES - In addition to, or in place of, a sanction or approval fee, the Board of Directors may establish a reasonable service charge consistent with the nature of the event. For example, the service charge may be a flat amount, an amount related to the number of events swum, the number of individual swims, the number of athletes entered, the cost of equipment and pool time provided, a percentage of receipts or profits or a combination of one or more of these or other bases.

.3 PAYMENT - Each applicant for a sanction, approval or observation shall submit with its application the fees and any service charges specified by PVS. If any of the sanction or approval fees or service charges are due at a time following the submission for sanction or approval, the applicant shall promptly pay those fees or service charges to PVS when due in accordance with PVS' fee schedule.

3.7 FAILURE TO PAY

.1 GROUP, COACH AND ACTIVE INDIVIDUAL MEMBER OBLIGATIONS - The failure of a Group Member, Coach Member or Active Individual Member to pay dues, fees, service charges, fines or penalties imposed by PVS or USA Swimming, within the time prescribed, as evidenced by a final decision of (i) a court of law, and/or (ii) the Board of Review or the National Board of Review, shall preclude the delinquent member from (a) participating in events sanctioned or approved by USA Swimming, (b) participating in any capacity in the affairs of USA Swimming, PVS or any other PVS or , Group Member Representative, coach, manager, official, trainer or in any other capacity with any Club Member or with any group member of any other PVS until the debt is satisfied.

.2 ATHLETE MEMBER OBLIGATIONS - The failure of an Athlete Member or Seasonal Athlete Member to satisfy any financial obligations to USA Swimming, PVS or their former LSC, within the time prescribed, as evidenced by a final decision of (i) a court of law, and/or (ii) the Board of Review or the National Board of Review shall preclude the delinquent member from (a) competing in any competition sanctioned by USA Swimming, (b) obtaining a reportable time achieved in events swum in any USA Swimming sanctioned, approved or observed meet, (c) participating in any capacity in the affairs of USA Swimming, PVS or any other LSC or (d) practicing, exercising or otherwise participating in the activities of any Group Member or any group member of any other LSC until the debt is satisfied.

.3 CLUB/INDIVIDUAL OBLIGATIONS - If a Club Member has secured (i) a final court judgment against an Individual Member for non-payment of financial obligations owed to the Club Member, and (ii) a final decision of the Board of Review or the National Board of Review suspending such individual Member's membership rights as set forth below, then until the court judgment is satisfied, the Individual Member shall not (a) compete in any competition sanctioned by USA Swimming, (b) obtain a reportable time in events swum at any USA Swimming approved or observed meet, (c) participate in any capacity in the affairs of USA Swimming, PVS or any other LSC or (d) practice, exercise or otherwise participate in the activities of any Group Member or any group member of any other LSC.

.4 INDIVIDUAL/CLUB OBLIGATIONS - If an Individual Member has secured a final decision of (i) a court of law and/ (ii) the Board of Review or the National Board of Review against a Club Member for non-payment of financial obligations (such as a refund of training fees) to the Individual Member, then until the decision or judgment is satisfied, the delinquent or offending Club Member shall be precluded from (a) participating in events sanctioned or approved by USA Swimming and (b) participating in any capacity in the affairs of USA Swimming, PVS or any other LSC, including being represented in the House of Delegates by its Group Member Representative.

.5 CONTINUED FAILURE TO PAY; TERMINATION OF MEMBERSHIP - Continued failure to pay, within a reasonable period of time, after a final decision of a

court of law, as determined by the Board of Review or the National Board of Review shall be cause for termination of membership.

ARTICLE 4 HOUSE OF DELEGATES

4.1 MEMBERS - The House of Delegates of PVS shall consist of the Group Member Representatives, the Athlete Representatives, the Coach Representatives, the Board Members designated in Section 5.1, and the At-Large House Members.

.1 GROUP MEMBER REPRESENTATIVES - Each Group Member in good standing shall appoint from its membership a Group Member Representative and one or more alternates for each. The appointment shall be in writing, addressed to the Vice Chair of the Administrative Division (Secretary) of PVS and duly certified by the chief executive officer or secretary of the appointing Group Member. The appointing Group Member may withdraw its Group Member Representative or one or more of its alternates and substitute a new Group Member Representative or new alternates by written notice, addressed to the Vice Chair of the Administrative Division (Secretary) of PVS and signed by the chief executive officer or secretary of the appointing Group Member.

.2 AT-LARGE HOUSE MEMBERS - Up to ten (10) at-large members of the House of Delegates may be appointed by the General Chair with the advice and consent of the Board of Directors. Additionally, a sufficient number of athlete members-at-large shall be appointed by the General Chair with the advice and consent of the Board of Directors to constitute at least 20% of the voting membership of the House of Delegates. No more than two athletes shall be appointed in this manner from the same member club. The At-Large House Members shall hold office from the date of appointment through the conclusion of the annual meeting of the House of Delegates following such appointment or until their successors are appointed to the House of Delegates.

.3 ATHLETE REPRESENTATIVES - Athlete representatives shall constitute at least 20% of the voting membership of the Board of Directors. Three (3) Athlete Representatives shall be elected for a 2-year term, or until their respective successors are elected to the Board of Directors, with two elected in odd numbered years and one elected in even numbered years. At the time of election, the Athlete Representative must (a) be an Athlete Member in good standing; (b) be at least sixteen (16) years of age or at least a sophomore in high school; (c) be currently competing, or have competed during the three (3) immediately preceding years, in the program of swimming conducted by PVS or another LSC; and unless granted an exception by the Board of Directors (d) reside in the Territory and expect to reside therein throughout at least the first half of the term. The election of the Athlete Representative shall be conducted annually during PVS' short course swimming championships, or other regularly scheduled meet designated by the Board of Directors. The balloting shall take

place at a meeting called for that purpose by the Senior Athlete Representative, or failing that, at a time and in a manner designated by the Board of Directors. The Athlete Representatives elected shall be determined by a plurality of the Athlete Members in good standing, present, and voting who are thirteen (13) years of age or older.

.4 COACH REPRESENTATIVES - Two (2) Coach Representatives shall be elected, one each year for a 2-year term, or until a successor is elected.

Nominations to the PVS Board of Directors for Coach's Representative will be held at the Winter Competition Committee Meeting preceding the spring PVS championship meets. A ballot will be produced and will be made available to all registered PVS Coaches in good standing as of the day before the first day of the first championship meet. Balloting will take place at two sessions of each of the championship meets. Notice will be given not less than 10 days prior to the first day of voting as to the exact sessions where balloting will take place.

The Coach's Representative whose term is not expiring and the Administrative Office will oversee the voting process. The ballots will be counted at the conclusion of Sunday Prelims. This will provide time for run-off election (in the event of a tie) during finals of the last scheduled PVS championship meet. Election results will be posted on the PVS Web Page as soon as possible.

The election of the Coach Representative shall be determined by a plurality of the Coach Members in good standing, present, and voting. If the election shall not occur as specified above, it shall occur at a time and place and in a manner designated by the Board of Directors.

4.2 ELIGIBILITY - Only Individual Members in good standing shall be eligible to be elected or appointed members of, to be heard at, or to vote at the House of Delegates in any capacity. Members of the House of Delegates must maintain their status as Individual Members in good standing throughout their term of office.

4.3 VOICE AND VOTING RIGHTS OF MEMBERS - The voice and voting rights of members of the House of Delegates and of Individual Members shall be as follows:

.1 GROUP MEMBER REPRESENTATIVES (OTHER THAN THOSE OF AFFILIATED GROUP MEMBERS), BOARD MEMBERS, THE ATHLETE REPRESENTATIVES, THE COACH REPRESENTATIVES AND AT-LARGE HOUSE MEMBERS - Each of the Group Member Representatives, the Board Members, the Athlete Representatives, the Coach Representatives and the At-Large House Members shall have both voice and one vote each in meetings of the House of Delegates.

.2 AFFILIATED GROUP MEMBER REPRESENTATIVES – Group Member Representatives of Affiliated Group Members, unless entitled to vote under another provision of these Bylaws, shall have voice but no vote in meetings of the House of Delegates.

.3 INDIVIDUAL MEMBERS - Individual Members who are not members of the House of Delegates may attend open meetings of the House of Delegates and be heard at the discretion of the presiding officer. Unless entitled to vote under another provision of these Bylaws, Individual Members shall have no vote in meetings of the House of Delegates.

4.4 DUTIES AND POWERS - The House of Delegates shall oversee the management of the affairs of PVS and the establishment of policies, procedures and programs. In addition to the duties and powers prescribed in the USA Swimming Rules and Regulations or elsewhere in these Bylaws, the House of Delegates may:

.1 Elect the officers, the Strategic Planning Committee Chair, and the Inclusion/Diversity Chair as listed in Section 6.1, in accordance with Sections 6.2 through 6.6, the members of the Nominating Committee (section 4.8 herein) and members of the Board of Review.

.2 Review, modify and adopt the annual budget of PVS recommended by the Board of Directors;

.3 Call regular and special meetings of the House of Delegates;

.4 Ratify or prospectively modify or rescind policy and program established by the Board of Directors, except any action or authorization by the Board of Directors with respect to contracts or upon which any person may have relied shall not be modified or rescinded;

.5 Establish joint administrative committees, or undertake joint activities with other sports organizations where deemed helpful or necessary by PVS;

.6 Establish by resolution one or more committees of its members. The committees shall have the powers and duties specified in the resolution, which may include delegation of one or more of the powers and duties of the House of Delegates other than the powers to amend these Bylaws or remove Board Members and other elected officers;

.7 Amend the Bylaws of PVS in accordance with Section 11.3; and

.8 Remove from office any Board Members, members of the Board of Review, committee chairs or members or coordinators who have failed to attend to their official duties or member responsibilities or have done so improperly, or who would be subject to penalty by the Board of Review for any of the reasons set forth in Part Four of the USA Swimming Rules and Regulations. No Board Member, Board of Review member or elected committee chair or coordinator may be removed except upon not less than thirty (30) days written notice by the Vice Chair of the Administrative Division (Secretary) or other officer designated by the House of Delegates specifying the alleged deficiency in the performance of member responsibilities or specific official duties or

other reason. All notices and proceedings under this section shall be prepared, served and processed using the procedures for a formal hearing pursuant to Part Four of the USA Swimming Rules and Regulations to the extent applicable. Should the Board Member, Board of Review member, elected committee chair, or coordinator contest the alleged deficiency or other reason alleged in the notice, the House of Delegates shall hold a hearing at which the defendant shall have the same rights as if the hearing were to be conducted by the Board of Review pursuant to Article 10.

4.5 ANNUAL MEETING - The annual meeting of the House of Delegates of PVS shall be held in the month of May of each year.

4.6 SPECIAL MEETINGS - Special meetings of the House of Delegates may be called by the Board of Directors or the General Chair. Should the Board of Directors or the General Chair fail to call the annual or scheduled regular meetings or should a special meeting be appropriate or helpful, a meeting of the House of Delegates may be called by a petition signed by at least five (5) members of the House of Delegates.

4.7 MEETING LOCATION AND TIME - All meetings of the House of Delegates shall be take place at a site within the Territory. The House of Delegates or the Board of Directors shall determine the location and time of all meetings of the House of Delegates.

4.8 NOMINATING COMMITTEE -

.1 MEMBERS OF NOMINATING COMMITTEE; MEMBERS OF NOMINATING COMMITTEE; ELECTION - The Nominating Committee shall comprise *the Immediate Past General Chair and* not fewer than ***four (4)*** Individual Members. The Nominating Committee shall be elected annually by the House of Delegates. If the House of Delegates does not act in a timely fashion the Board of Directors shall elect a Nominating Committee to serve until their successors are elected. A number greater than ***five (5)*** or ***four*** may be designated from time to time by either the House of Delegates or the Nominating Committee. Each Nominating Committee member shall be a member of the House of Delegates and no more than two (two-fifths if there are more than five (5) members of the Nominating Committee) shall be ***Board Members*** or ***Executive Committee members***. Section 606.6.3 shall apply to members of the Nominating Committee, *but service as the immediate Past General Chair shall not be counted for that purpose*. If any member of the Nominating Committee resigns or otherwise becomes unable to participate in its affairs, the General Chair, with the advice and consent of the Board of Directors, shall appoint a successor to serve until the next meeting of the House of Delegates. [In no case shall the General Chair serve on the Nominating Committee.](#)

.2 CHAIR ELECTED BY NOMINATING COMMITTEE - The Chair of the Nominating Committee shall be elected by a majority vote of the members of the Nominating Committee present at a meeting called promptly after the members are elected or appointed.

.3 DUTIES OF NOMINATING COMMITTEE - A slate of candidates for election as the officers as specified in Section 6.1 , or Strategic Planning Committee Chair, or the members of the Board of Review to be elected at the next annual meeting shall be prepared by the Nominating Committee. The Nominating Committee may, in its discretion, nominate a slate of one person for each position to be filled or may nominate more than one candidate for one or more of the positions.

.4 PUBLICATION OF NOMINATIONS - Nominations by the Nominating Committee shall be published by distributing a slate of candidates together with the positions for which they have been nominated to each member of the House of Delegates and to each Group Member not less than twenty (20) calendar days prior to the election. This notice may be combined with the notice of the meeting pursuant to Section 4.15.1 where convenient. See Section 16.1.5 for the methods which may be used for the distribution.

.5 ADDITIONAL NOMINATIONS - Additional nominations may be made from the floor of the House of Delegates by any member of the House of Delegates eligible to vote.

.6 MEETINGS AND NOTICES - Meetings of the Nominating Committee shall take place at a site within the Territory when called by the Chair with a minimum of six (6) days notice required. Pertinent provisions of Sections 7.5 through 7.16 and Section 16.1.5 also shall apply to the Nominating Committee's meetings and notices.

.7 QUORUM - A quorum for any meeting of the Nominating Committee shall consist of not fewer than four-fifths of the members. The committee shall act by a majority vote of its members voting in any meeting at which a quorum is present.

4.9 MEETINGS OPEN; EXECUTIVE SESSIONS -

.1 HOUSE OF DELEGATES - House of Delegates meetings shall be open to all members of PVS and USA Swimming. Issues pertaining to personnel, disciplinary action, legal, tax or similar affairs of PVS shall be deliberated and decided in a closed executive session which only House of Delegates members may attend. By a majority vote on a motion of a question of privilege, the House of Delegates may decide to go into executive session on any matter deserving of confidential treatment or of personal concern to any member of the House.

.2 HOUSE OF DELEGATES COMMITTEES - All meetings and deliberations of the Nominating Committee shall be conducted in executive (closed) session. Meetings of all other committees established by the House of Delegates shall be open to all members of PVS and USA Swimming unless otherwise provided by the House of Delegates resolution creating the committee or by a vote of the committee as provided by the rules of the Parliamentary Authority.

4.10 QUORUM - A quorum of the House of Delegates shall consist of those members present and voting.

4.11 VOTING - Except as otherwise provided in these Bylaws or the Parliamentary Authority, all motions, orders and other propositions coming before the House of Delegates shall be determined by a majority vote. A motion or order calling for the removal of a member of the Board of Review pursuant to Section 4.4.8, shall be determined by a two-thirds vote after at least thirty (30) days notice. See also Section 11.3 regarding amendment of these Bylaws.

4.12 PROXY VOTE - Voting by proxy in any meeting of the House of Delegates shall not be permitted.

4.13 MAIL VOTE - Any action which may be taken at any regular or special meeting of the House of Delegates, except elections, removals of Board Members, members of the Board of Review, elected committee chairs or coordinators and amendments of these Bylaws, may be taken without a meeting. If an action is taken without a meeting, the Vice Chair of the Administrative Division (Secretary), or the Administrative Assistant acting on their behalf, shall distribute a written ballot to every member of the House of Delegates entitled to vote on the matter. The written ballot may be distributed either by first class mail postage prepaid or by electronic e-mail. (The ballot shall be faxed or sent by express mail to any person entitled to vote who does not have ready access to e-mail.) The ballot shall set forth the proposed action, provide an opportunity to specify approval or disapproval, and provide a reasonable time (but in no event less than 48 hours involving an electronic vote or 6 days involving a vote conducted by first class mail) within which to return the ballot to the Secretary or the PVS Administrative Assistant. Action by written ballot shall be valid only when the number of votes cast in favor of the proposed action within the time period specified constitutes a majority of the votes entitled to be cast.

4.14 ORDER OF BUSINESS - At all meetings of the House of Delegates the following shall be included in the order of business to the extent applicable. The order in which the various subjects are taken up may be varied.

- Roll Call
- Reading, correction and adoption of minutes of previous meeting
- Reports of officers
- Reports of committees and coordinators
- Presentation and approval of the annual budget
- Presentation and approval of the annual audit pursuant to Section 8.5, when applicable
- Unfinished (old) business
- Elections
- New business
- Resolutions and orders
- Adjournment

4.15 NOTICES

.1 TIME - Not less than twenty (20) days written notice shall be given to each member of the House of Delegates and each Group Member for any annual, regular or special meeting of the House of Delegates. See Section 16.1.5 for the various permitted forms of notice.

.2 INFORMATION - The notice of a meeting shall contain the time, date and site. For special meetings of the House of Delegates, the expected purpose (which may be general) of the meeting shall be stated. If an expected purpose is the amendment of the Bylaws, a copy of the proposed amendment shall be included in the notice. Failure to have included in the notice any germane amendments subsequently adopted by the House of Delegates at the noticed meeting shall not be the basis for any claim that the amendments as so adopted are invalid.

ARTICLE 5 BOARD OF DIRECTORS

5.1 MEMBERS - The Board of Directors shall consist of the following officers, committee chairs, and representatives of PVS, together with those additional members designated in Sections 5.2 and 5.3:

- General Chair
- Vice Chair of the Administrative Division (Secretary)
- Vice Chair of the Finance Division (Treasurer)
- Vice Chair of the Operations Division
- Vice Chair of the Senior Division
- Vice Chair of the Age Group Division
- Strategic Planning Committee Chair
- The Coach Representatives
- The Athlete Representatives
- Officials Representative

Inclusion/Diversity Representative

5.1.1 OFFICIALS REPRESENTATIVE – An Officials Representative shall be elected for a 2-year term or until a successor is elected. Elections will occur in odd numbered years.

A ballot will be produced by the Officials Committee and will be made available to all registered PVS Officials in good standing before the first day of the first Summer PVS championship meet. Balloting will take place at two sessions of each of the championship meets. Notice will be given not less than 10 days prior to the first day of voting as to the exact sessions where balloting will take place.

The Administrative Office will oversee the voting process. The election of the Officials Representative shall be determined by a plurality of the Official members in good standing, present and voting. If the election shall not occur as specified above, it shall occur at a time and place and in a manner designated by the Board of Directors.

5.2 AT-LARGE BOARD MEMBERS – The Board of Directors shall have up to three additional At-Large Board Members appointed by the General Chair with the advice and consent of the Board of Directors.

5.3 EX-OFFICIO MEMBERS - The Immediate Past General Chair of PVS and the current Chair of the Board of Review, if Individual Members in good standing, shall be ex-officio members of the Board of Directors during the time period in which they meet the defined status.

5.4 VOICE AND VOTING RIGHTS OF BOARD MEMBERS - The voice and voting rights of Board Members and Individual Members shall be as follows:

.1 BOARD MEMBERS - Each Board Member other than the ex-officio members and At-Large Board Member shall have both voice and vote in meetings of the Board of Directors.

.2 NON-VOTING BOARD MEMBERS - Unless entitled to vote under another provision of these Bylaws, the ex-officio members and At-Large Board Members shall have voice but no vote in meetings of the Board of Directors and its committees.

.3 INDIVIDUAL MEMBERS - Individual Members who are not Board Members may attend open meetings of the Board of Directors and its committees and be heard at the discretion of the presiding officer. Unless entitled to vote under another provision of these Bylaws, Individual Members shall have no vote in meetings of the Board of Directors or its committees.

5.5 DUTIES AND POWERS - The Board of Directors shall act for PVS and the House of Delegates during the intervals between meetings of the House of Delegates, subject to the exercise by the House of Delegates of its powers of ratification or prospective modification or rescission, except that it shall not remove a Board Member, a Board of Review member or other person elected by the House of Delegates or amend these Bylaws. In addition to the powers and duties prescribed in the USA Swimming Rules and Regulations or elsewhere in these Bylaws, the Board of Directors shall have the power and it shall be its duty to:

.1 Establish and direct policies, procedures and programs for PVS;

.2 Oversee the conduct by the officers and staff of PVS and the day-to-day management of the affairs of PVS;

.3 Provide advice and consent to appointments proposed by the General Chair that require advice and consent under these Bylaws;

.4 Cause the preparation and presentation to the House of Delegates of the annual budget of PVS and make a recommendation to the House of Delegates concerning the approval or disapproval thereof;

.5 Receive presentation of the annual audit report pursuant to Section 8.5 and make a recommendation to the House of Delegates concerning the approval or disapproval thereof;

.6 Call regular or special meetings of the Board of Directors or the House of Delegates;

.7 Admit eligible prospective Group Members and Affiliated Group Members;

.8 Retain such independent contractors and employ such persons as the Board shall determine are necessary or appropriate to conduct the affairs of PVS;

.9 Appoint other officers, agents, or committees or coordinators, to hold office for the terms specified. These appointees shall have the authority and perform the duties as provided in these Bylaws or as may be provided in the resolutions appointing them, including any powers of the Board of Directors as may be specified, except as may be inconsistent with any other provision of these Bylaws. To the extent not provided elsewhere in these Bylaws, the Board of Directors may delegate to any officer, agent, or committee or coordinator the power to appoint any such subordinate officers, agents, or committees or coordinators and to prescribe their respective terms of office, authorities and duties; and

.10 Remove from office any officers, committee chairs, or committee members or coordinators of PVS who were not elected by the House of Delegates and who have failed to attend to their official duties or member responsibilities or have done so improperly, or who would be subject to penalty by the Board of Review for any of the reasons set forth in Article 404.1.3 of the USA Swimming Rules and Regulations. No officer, committee chair or coordinator may be removed without receiving the thirty (30) days written notice specifying the alleged deficiency in the performance of the member's responsibilities under these Bylaws, the member's official duties or other reasons. All notices and proceedings under this section shall be prepared, served and processed using the procedures for a formal hearing pursuant to Part Four of the USA Swimming Rules and Regulations to the extent applicable. Should the officer, committee chair, or committee member or coordinator contest the alleged deficiency or other reason set forth in the notice, the Board of Directors shall hold a hearing at which the member shall have the same procedural rights as if the hearing were to be conducted by the Board of Review pursuant to Article 10.

5.6 MEETINGS OPEN; EXECUTIVE (CLOSED) SESSIONS - Board of Directors meetings shall be open to all members of PVS and USA Swimming. Matters relating to personnel, disciplinary action, legal, taxation or similar affairs shall be deliberated and decided in a closed executive session which only Board Members are entitled to attend. By a majority vote on a motion of a question of privilege the Board of Directors may decide to go into executive session on any matter deserving of confidential treatment or of personal concern to any member of the Board of Directors.

5.7 PARTICIPATION THROUGH COMMUNICATIONS EQUIPMENT - Members of the Board of Directors may participate in meetings of the Board of Directors through conference telephone or similar equipment by means of which all persons participating in the meeting can hear each other at the same time. Participation by such means shall constitute presence in person at a meeting.

5.8 REGULAR MEETINGS - Regular meetings of the Board of Directors shall be held in accordance with a schedule adopted by the Board of Directors.

5.9 SPECIAL MEETINGS - Special meetings of the Board of Directors may be called by the General Chair. Should the Board of Directors or the General Chair fail to call regular meetings or should a special meeting be appropriate or helpful, a meeting of the Board of Directors shall be called at the written request of any three (3) Board Members.

5.10 QUORUM - A quorum of the Board of Directors shall consist of a majority of the voting members.

5.11 VOTING - Except as otherwise provided in these Bylaws or the Parliamentary Authority, all motions, orders and other propositions coming before the Board of Directors shall be determined by a majority vote. A motion, order or other proposal the affect of which is to override policy or program established by the House of Delegates shall be determined by a two-thirds vote after at least fourteen (14) days notice.

5.12 PROXY VOTE - Voting by proxy in any meeting of the Board of Directors shall not be permitted.

5.13 ACTION BY WRITTEN CONSENT - Any action required or permitted to be taken at any meeting of the Board of Directors may be taken without a meeting if all the Board Members entitled to vote consent to the action in writing and the written consents are filed with the records of the respective meetings. These consents shall be treated for all purposes as votes taken at a meeting.

5.14 MAIL VOTE - Any action which may be taken at any regular or special meeting of the Board of Directors, except elections, advice and consent to the General Chair's appointments, or removals of officers, committee chairs and members, may be taken without a meeting. If an action is to be taken without a meeting, the Vice Chair of the Administrative Division (Secretary), or the Administrative Assistant acting on their behalf, shall distribute a written ballot to every Board Member entitled to vote on the

matter. The written ballot may be distributed either by first class mail postage prepaid or by electronic e-mail. (The ballot shall be faxed or sent by express mail to any person entitled to vote who does not have ready access to e-mail.) The ballot shall set forth the proposed action, provide an opportunity to specify approval or disapproval, and provide a reasonable time (but in no event less than the 48 hours involving an electronic vote or 6 days involving a vote conducted by first class mail) within which to return the ballot to the Secretary or the PVS Administrative Assistant. Action by written ballot shall be valid only when the number of votes cast in favor of the proposed action within the time period specified constitutes a majority of the votes entitled to be cast.

5.15 NOTICES -

.1 TIME - Not less than six (6) days notice shall be given to each Board Member for any annual, regular or special meeting of the Board of Directors. Separate notices need not be given for regular meetings that are designated in these Bylaws or otherwise scheduled and noticed well in advance. (See Section 16.1.5 for the various permitted forms of notice and the consequences thereof.)

.2 INFORMATION - The notice of a meeting shall contain the time, date and site and in the case of special meetings, the expected purpose, which may be general.

5.16 ORDER OF BUSINESS - At all meetings of the Board of Directors the following shall be included in the order of business to the extent applicable. The order in which subjects are taken up may be varied.

- Roll Call
- Reading, correction and adoption of minutes
- Reports of officers
- Reports of committees and coordinators
- Presentation of the annual budget and adoption of recommendation to the House of Delegates
- Presentation of the annual audit report pursuant to Section 8.5 and adoption of its recommendation to the House of Delegates
- Advice and Consent to Appointments
- Unfinished (old) business
- New business
- Approval of applications for Group Membership and Affiliated Individual Membership
- Resolutions and orders
- Adjournment

ARTICLE 6 OFFICERS

6.1 ELECTED OFFICERS AND COMMITTEE CHAIRS- The officers and committee chair who shall be elected by the House of Delegates are:

1. General Chair
2. Vice Chair of the Administrative Division (Secretary)
3. Vice Chair of the Finance Division (Treasurer)
4. Vice Chair of the Operations Division
5. Vice Chair of the Senior Division.
6. Vice Chair of the Age Group Division.
7. Strategic Planning Committee Chair.
8. Inclusion/Diversity Chair

6.2 ELECTIONS - The House of Delegates, at its annual meeting, shall elect the General Chair, the Vice Chair of the Senior Division, the Vice Chair of the Finance Division (Treasurer), and the Inclusion/Diversity Chair in odd-numbered years; and the Vice Chair of the Age Group Division, the Vice Chair of the Administrative Division (Secretary), the Vice Chair of the Operations Division, and the Strategic Planning Committee Chair in even-numbered years. The House of Delegates shall also elect the Board of Review, as provided herein.

6.3 ELIGIBILITY - Only Individual Members in good standing shall be eligible to hold office and must maintain their eligibility throughout their term of office.

6.4 DOUBLE VOTE PROHIBITED - An Individual Member entitled to vote in the House of Delegates by virtue of holding a position in PVS may not also vote as a Group Member Representative in the House of Delegates.

6.5 TERMS OF OFFICE -

.1 TERM OF OFFICE - The terms of office of all elected members of the Board of Directors shall be two years.

.2 COMMENCEMENT OF TERM - Each person elected to a position shall assume office at the start of the fiscal year of PVS (1 September through 31 August) and shall serve until a successor takes office.

.3 CONSECUTIVE TERMS LIMITATION - No Individual Member who has been elected by the House of Delegates and served four successive years shall be eligible for re-election to the same position until a lapse of two years. A portion of any term served to fill a vacancy in the position shall not be considered in the computation of this successive terms limitation.

6.6 DUTIES AND POWERS - The duties and powers of the officers and other Board Members shall be to attend and participate in all meetings of the House of Delegates and the Board of Directors and as follows:

.1 GENERAL CHAIR: The General Chair shall oversee and have general charge of the management, business, operations, affairs and property of PVS, and general supervision over its officers and agents; shall call meetings when and where deemed necessary; shall preside at all meetings; and, except as otherwise provided in these Bylaws and with the advice and consent of the Board of Directors, shall appoint committee chairs and members for standing and special committees or coordinators as may be necessary to permit PVS to effectively, efficiently and economically conduct its affairs. The General Chair shall report to the Board of Directors all matters within the General Chair's knowledge that the Board of Directors should consider in the best interests of PVS.

.2 VICE CHAIR OF THE ADMINISTRATIVE DIVISION (SECRETARY): The Vice Chair of the Administrative Division (Secretary) shall conduct meetings in the absence of the General Chair and, at the request of the General Chair or in the event of the disability of the General Chair, shall perform all of the duties of the General Chair, and when so acting shall have all of the powers of the General Chair. (See Section 6.9.) The Vice Chair of the Administrative Division (Secretary) shall chair, and have general charge of the business, affairs and property of the division that administers PVS business and affairs. The Vice Chair of the Administrative Division (Secretary) shall aid in the development of policy and the coordination of the activities of the officers and committees within the division internally and with other divisions, and committees and coordinators. The Administrative Division shall be responsible for the creation and maintenance of PVS' Policies and Procedures Manual. The Vice Chair of the Administrative Division (Secretary), or a delegate, shall be responsible for keeping a record of all meetings of the House of Delegates and Board of Directors, conducting official correspondence, issuing meeting and other notices and making such reports to USA Swimming as are required by Article 8 of these Bylaws and shall perform the other duties incidental to the office of the Vice Chair of the Administrative Division (Secretary). The Vice Chair of the Administrative Division (Secretary) shall be custodian of the records of PVS, and attest the execution of all duly authorized instruments. The Vice Chair of the Administrative Division (Secretary) shall cause to be kept, at PVS' permanent office, copies of all minutes, official correspondence, meeting and other notices, and any other records of PVS. The Vice Chair of the Administrative Division (Secretary) shall be responsible to see that the Athlete Representatives' elections are held in accordance with these Bylaws.

.3 VICE CHAIR OF THE FINANCE DIVISION (TREASURER): The Vice Chair of the Finance Division (Treasurer) is the chief financial officer of PVS. The Vice Chair of the Finance Division (Treasurer) shall have general charge of the affairs and property of the division that includes the Treasury function, the development and implementation of an investment program for PVS' working capital, funded reserves and endowment funds and the development and implementation of a marketing and fund-raising plan for PVS. The Vice Chair of the Finance Division (Treasurer) shall prepare an annual budget for PVS' operations and present the budget for approval by the Board of Directors and the House of Delegates. In addition, the Vice Chair of the Finance Division (Treasurer) shall cause to be conducted the audit required pursuant to Section 8.5 and shall review, or

shall cause the Audit Committee to review, the annual audit report and recommend acceptance and appropriate action, if any, with regard thereto by the Board of Directors and the House of Delegates. The Vice Chair of the Finance Division (Treasurer) is responsible for the adequacy of PVS' system of internal financial and accounting controls. The Vice Chair of the Finance Division (Treasurer), is ultimately responsible for PVS' compliance with Section 8.4. The Vice Chair of the Finance Division (Treasurer) shall be the principal receiving and disbursing officer of PVS. Except as otherwise directed by Board of Directors, the Vice Chair of the Finance Division (Treasurer) shall receive all moneys, incomes, fees and other receipts of PVS and pay all bills, salaries, expenses and other disbursements approved by the Board of Directors or the House of Delegates, or required to be paid pursuant to Article 10. The Vice Chair of the Finance Division (Treasurer) shall issue a quarterly report listing the current budget variances by line item, all receipts, all expenditures and the current fund and account balances for the preceding quarter and for the fiscal year to date, together with such other items as the General Chair or the Board of Directors may direct. The Vice Chair of the Finance Division (Treasurer) shall:

A. have charge of and supervision over and be responsible for the funds, moneys, securities and other financial instruments of PVS;

B. cause the moneys, securities and other financial instruments of PVS to be deposited in the name and to the credit of PVS in such institutions as shall be designated in accordance with Section 6.10 or to be otherwise invested as the Board of Directors may direct;

C. cause to be appropriately segregated and accounted for any endowment funds, scholarship or award funds and any similar special purpose funds or accounts;

D. cause the funds of PVS to be disbursed by checks or drafts, automated debits or wire transfers upon the authorized depositories of PVS, and obtain and preserve proper vouchers for all moneys disbursed;

E. cause to be kept in the safe keeping of the Treasurer or person authorized in writing by the Treasurer, correct books of account and other financial records of all its affairs and transactions and such duplicate books of account as the Board of Directors or the Vice Chair of the Finance Division (Treasurer) shall determine;

F. upon request and at reasonable hours cause such books or duplicates thereof to be exhibited to any member of the Board of Directors and upon application and at reasonable hours cause the quarterly financial reports and the annual audited financial statement to be exhibited to any member of PVS or USA Swimming;

G. cause PVS to be in compliance with the requirements of Section 8.4;

H. have the power to require from the officers, committee chairs, coordinators, staff or agents of PVS reports or statements giving such information as

the Vice Chair of the Finance Division (Treasurer) may determine to be appropriate or helpful with respect to any and all financial transactions of PVS;

I. make the books and records available and otherwise fully cooperate with those conducting the annual audit of accounts of PVS and cause the preparation and timely filing of all required federal, state and local tax returns, and other financial and tax reports with the applicable government official, and forward a copy of the annual financial statement and audit report and any federal tax return to the Vice Chair of the Administrative Division (Secretary) for submission to the Board of Directors and USA Swimming national headquarters in accordance with Sections 8.2 and 8.3;

J. have the power to appoint one or more assistant treasurers and delegate to them one or more of the Treasury functions, or parts thereof; and

K. in general, perform all the other duties incident to the corporate treasury function.

.4 VICE CHAIR OF THE OPERATIONS DIVISION: The Vice Chair is responsible for providing the equipment, technical training, and operational procedures required to support the competition program.

.5 VICE CHAIR OF THE SENIOR DIVISION: The Vice Chair of the Senior Division -is responsible for developing and conducting the PVS Senior program.

.6 VICE CHAIR OF THE AGE GROUP DIVISION: The Vice Chair of the Age Group Division is responsible for developing and conducting the PVS Age Group Program.

.7 STRATEGIC PLANNING COMMITTEE CHAIR: The Strategic Planning Committee Chair shall advise the Board of Directors on strategic issues presented for investigation; advise the Board of Directors on any initiatives, trends, or impending actions on the local, national, or international level that may impact upon PVS programs in the future; forecast future areas of concern for the local swimming program; and, formulate a strategic plan to assist in directing the PVS program.

.8 COACH REPRESENTATIVES: The Coach Representatives shall serve as a liaison between the coaches who are members of PVS and the Board of Directors and House of Delegates.

.9 ATHLETE REPRESENTATIVES: The Athlete Representatives shall serve as the liaison between the athletes who are members of PVS and the Board of Directors and House of Delegates.

.10 OFFICIALS REPRESENTATIVE: The Officials Representative shall serve as the liaison between the officials trained and certified within PVS and the Board of Directors and House of Delegates.

.11 INCLUSION/DIVERSITY REPRESENTATIVE: The Inclusion/Diversity Representative shall serve as the liaison between all members and the Board of Directors and House of Delegates on matters relating to inclusion and diversity, as those terms are commonly understood within the USA Swimming community.

.12 PVS DELEGATES TO USA SWIMMING HOUSE OF DELEGATES -

A. Officer and Representative Delegates - It shall be the duty and privilege of the General Chair, the Vice Chair of the Administrative Division (Secretary), the Vice Chair of the Age Group Division, the Vice Chair of the Senior Division, the senior Athlete Representative and the senior Coach Representative to attend the USA Swimming annual meeting as representatives of PVS and voting delegates to the USA Swimming House of Delegates.

B. Officer Delegate Alternates - If any of the officer delegates is unable to attend, their elected alternates, if any, shall attend in their places. In the event that there are no elected alternates or the elected alternates are unable to attend, then the General Chair, with the advice and consent of the Board of Directors, shall appoint alternates who shall attend the USA Swimming annual meeting as delegates representing PVS.

C. Athlete Representative Alternates - If an athlete delegate is unable to attend, the Athlete Representative next most senior in term of office shall attend. If seniority cannot be established or there remain no additional Athlete Representatives or alternates able to attend, then the General Chair, with the advice and consent of the Board of Directors, shall designate one or more Athlete Members to attend as a representative of PVS.

D. Coach Representative Alternates - If the senior Coach Representative is unable to attend the USA Swimming annual meeting, then the other Coach Representative shall attend, and if neither Coach Representative is able to attend, then the General Chair, with the advice and consent of the Board of Directors, shall designate a Coach Member to attend as a representative of PVS.

6.7 RESIGNATIONS - Any officer may resign by orally advising the General Chair or by submitting a written resignation to the Board of Directors specifying an effective date of the resignation. In the absence of a specified effective date, any such resignation shall take effect upon the appointment or election of a successor.

6.8 VACANCIES AND INCAPACITIES -

.1 OFFICE OF GENERAL CHAIR- In the event of a vacancy in the office of General Chair, or of the General Chair's temporary or permanent incapacity, the Vice Chair of the Administrative Division (Secretary) shall become the Acting General Chair

until an election can be held at the next meeting of the House of Delegates to fill the remaining term, if any, of the former General Chair, or until the General Chair ceases to suffer from any temporary incapacity. While serving as Acting General Chair, the Vice Chair of the Administrative Division (Secretary) shall vacate the office of Vice Chair of the Administrative Division (Secretary), except in the case of the General Chair's temporary incapacity. If the General Chair is to be absent from the Territory, the General Chair may, but is not obligated to, designate the Vice Chair of the Administrative Division (Secretary) as Acting General Chair for the duration of the absence.

.2 OFFICES OF ATHLETE OR COACH REPRESENTATIVES - In the event of a vacancy in the office of Athlete Representative or Coach Representative, or of the permanent incapacity of a person holding the office of Athlete Representative or Coach Representative, the General Chair may appoint, with the advice and consent of the Board of Directors, an Athlete Member or a Coach Member, as the case may be, to serve the remainder of the term of office or until the athletes or the coaches, as the case may be, shall elect a successor.

.3 OTHER OFFICES - In the event of a vacancy in, or permanent incapacity of the person holding, any office other than General Chair, Athlete Representative, Coach Representative or member of the Board of Review, the General Chair shall appoint a successor, with the advice and consent of the Board of Directors, to serve until the next regularly scheduled meeting of the House of Delegates. In the event of a temporary incapacity, the General Chair may designate, with the advice and consent of the Board of Directors, an Individual Member to act for the incapacitated officer for the duration of the incapacity.

.4 DETERMINATION OF VACANCY OR INCAPACITY - The determination of when an office becomes vacant or an officer becomes incapacitated shall be within the discretion of the Board of Directors or the House of Delegates. The determination as to when the General Chair is temporarily incapacitated shall be made, where the circumstances permit, by the General Chair and otherwise shall be within the discretion of the Board of Directors, subject to any subsequent action by the House of Delegates.

6.9 OFFICERS' POWERS GENERALLY -

.1 AUTHORITY TO EXECUTE CONTRACTS, ETC. - The General Chair or Treasurer may, in the name of PVS, sign and execute deeds, mortgages, bonds, contracts, agreements or other instruments duly authorized by the Board of Directors or the House of Delegates, except in cases where the signing and execution thereof shall be expressly delegated by the Board of Directors to another officer or agent, expressly requires two or more signatures or is required by law to be otherwise executed. Additional signing authority may be provided by standing resolutions of the Board of Directors or the House of Delegates.

.2 ADDITIONAL POWERS AND DUTIES - Each officer shall have other powers and perform other duties as may be prescribed by the House of Delegates, the Board of Directors, the General Chair, the respective division coordinators and chairs, the delegating officer or these Bylaws. The division chairs shall have the additional duties and powers set forth in Sections 7.4 and 7.5.

.3 DELEGATION - Officers of PVS may delegate any portion of their powers or duties to another Individual Member or to a committee composed of Individual Members, except that Treasurer may not delegate duties to others without the consent of the Board of Directors. In addition, the authority to sign checks, drafts, orders of withdrawal or wire transfers shall not be delegated other than by the Board of Directors. Except as otherwise provided in these Bylaws and with the consent of the Board of Directors, any officer may delegate any portion of that officer's powers or duties to the staff of PVS. A delegation of powers or duties shall not relieve the delegating officer of the ultimate responsibility to see that these duties and obligations are properly executed or fulfilled.

6.10 DEPOSITORIES AND BANKING AUTHORITY -

.1 DEPOSITORIES, ETC. - All receipts, income, charges and fees of PVS shall be deposited to its credit in the banks, trust companies, other depositories or custodians, investment companies or investment management companies as the Board of Directors may select, or as may be selected by Vice Chair of the Finance Division (Treasurer). Endorsements for deposit to the credit of PVS in any of its duly authorized depositories shall be made in the manner determined by Vice Chair of the Finance Division (Treasurer) or the Board of Directors. All funds of PVS not otherwise employed shall be maintained in the banks, trust companies, other depositories or custodians, investment companies or investment management companies designated by the Vice Chair of the Finance Division (Treasurer) or the Board of Directors.

.2 SIGNATURE AUTHORITY - All checks, drafts or other orders for the payment or transfer of money, and all notes or other evidences of indebtedness issued in the name of PVS shall be signed by the General Chair or the Vice Chair of the Finance Division (Treasurer) in the manner determined by the Vice Chair of the Finance Division (Treasurer) or the Board of Directors.

ARTICLE 7 DIVISIONS, COMMITTEES AND COORDINATORS

7.1 DIVISIONAL ORGANIZATION AND JURISDICTIONS, STANDING COMMITTEES AND COORDINATORS - The PVS staff shall be supervised by the General Chair, while the five divisions of PVS shall each be chaired by a Vice Chair, whose respective powers, duties, jurisdiction and responsibilities are described in Section 6.6. Under each

division Vice Chair there are officers, committees, coordinators and direct responsibilities as follows:

.1 STAFF - General Chair

Administrative Assistant
Registrar
Distribution Coordinator
Publication Coordinator
Personnel Committee

**.2 ADMINISTRATIVE DIVISION - Vice Chair of the Administrative Division
(Secretary)**

Awards Coordinator
Outstanding Athletes Committee
Records/Top 16 Tabulation Coordinators
Scholar-Athletes Coordinator

Inclusion/Outreach Committee

Safe Sport Coordinator

.3 FINANCE DIVISION - Vice Chair of the Finance Division (Treasurer)

Financial Planning Committee
Trust Committee
Audit Committee

.4 OPERATIONS DIVISION - Vice Chair of the Operations Division

Computer Coordinator
Equipment Coordinator
Officials Committee
Safety Coordinator

.5 SENIOR DIVISION - Vice Chair of the Senior Division

Distance Coordinator
Zone Technical Planning Representative

.6 AGE GROUP DIVISION - VICE CHAIR OF THE AGE GROUP DIVISION

Camps/Clinic Coordinator
Zone Team Coordinator

7.2 STANDING COMMITTEES

.1 Competition Committee - The Competition Committee shall be responsible for developing and coordinating an overall swimming program for all levels of swimming in the Territory, including Senior and Age Group programs. The members of the Competition Committee shall consist of the Vice Chair of the Senior Division, Vice Chair of the Age Group Division, the Coach Representatives, the Zone Technical Planning Representative, and all USA Swimming coach members of PVS Clubs. The Vice Chair of the Senior Division or the Vice Chair of the Age Group Division, whoever is senior in term, shall serve as the chair of this committee and shall report to the Board of Directors. (See Section 7.9 for voting provisions.)

.2 Strategic Planning Committee - The Strategic Planning Committee shall be responsible for long-range planning for the programs conducted by PVS and for advice regarding the any initiatives, trends, or impending actions on the local, national or international level. The committee shall also be responsible for forecasting future areas of concern for the local swimming program and for formulating a strategic plan to assist in directing the PVS program. The committee shall consist of the junior in term Coach Representative the senior in term Athlete Representative and shall be chaired by the Strategic Planning Committee Chair elected by the House of Delegates. As deemed necessary, the Chair of this committee may, from time to time, invite or appoint other PVS members, on either temporary basis or for the duration of the term, to the membership on this committee. The committee shall report to the Board of Directors.

.3 Personnel Committee - The Personnel Committee shall be authorized and obligated to negotiate and set wages, compensation and other terms of employment of PVS staff, including employees and independent contractors, within established budgetary guidelines and policies and to review and approve the scope of duties delegated to the staff. The committee may include the General Chair. If General Chair is not a member, it shall report to the General Chair.

.4 Inclusion/Outreach Committee: The Inclusion/Outreach Committee shall consist of 5 people including the General Chair, Inclusion/Diversity Representative and 3 other individuals, at least one being an athlete, to work on various projects within PVS regarding the Diversity population.

.5. Safe Sport Committee- The members of the Safe Sport Committee shall be the Safe Sport Committee Chair, who shall serve as chair, and at least four additional members; at least one shall be a Coach Member, at least two shall be at large non-athlete members, and at least one shall be an athlete member.

7.3 DUTIES OF THE STAFF

.1 Administrative Assistant - The Administrative Assistant manages the PVS permanent office and provides administrative support to the Board of Directors and the

PVS committees. In addition, the Administrative Assistant maintains the family memberships of PVS and provides information on sanctions.

.2 Registrar - The Registrar shall be responsible for the registration of Group and Individual Members and shall make the reports required by Section 8.6, together with such additional reports as may be required by USA Swimming, the Board of Directors, the Vice Chair of the Administrative Division (Secretary), or the Vice Chair of the Finance Division (Treasurer). In addition, the Registrar provides information concerning USA Swimming insurance.

.3 Distribution Coordinator - The Distribution Coordinator processes the PVS publications and assures that all members of PVS receive the appropriate publications.

.4 Publication Coordinator - The Publication Coordinator is responsible for the publication of meet notices, results, and other official correspondence of PVS for the membership.

7.4 DUTIES OF STANDING COMMITTEES/COORDINATORS OF THE PVS DIVISIONS

.1 Administrative Division

A. Awards Coordinator - The Awards Coordinator is responsible for maintaining, developing, and promoting programs that educate and recognize the accomplishments of PVS athletes.

B. Outstanding Athletes Committee - The Outstanding Athletes Committee reviews all athlete accomplishments and prepares the nominations for the PVS Outstanding Athlete awards. The nominations are provided to the coaching community for balloting.

C. Records/Top 16 Coordinators - The Records/Top 16 Coordinators establish procedures for reporting USA Swimming/PVS records and maintain the PVS open and resident records. The Records/Top 16 Coordinators also establish procedures for nominating PVS athletes for Top 16 consideration

D. Scholar-Athlete Coordinator - The Scholar-Athlete Coordinator establishes application procedures, reviews and approves applications, and provides recognition pins to the qualified Scholar-Athletes of PVS.

E. SAFE SPORT COORDINATOR- The Safe Sport Coordinator shall be responsible for the implementation and coordination of, and serve as the XXSI liaison for, the Safe Sport Program established by USA Swimming. Safe Sport Coordinator shall be a non-athlete member in good standing, and shall work with the USA Swimming Safe Sport staff and the USA Swimming Safe Sport Committee and the XXSI

Safe Sport Committee to implement pertinent aspects of the national Safe Sport Program within XXSI. The Safe Sport Coordinator will:

1. Serve as the primary contact for XXSI to coordinate and oversee the implementation of effective safe sport educational programs for all athlete members, their parents, coaches, volunteers and clubs, as provided by USA Swimming;
2. Be trained regarding the complaint reporting structure and refer all reports of a violation of the Athlete Protection policies directly to the local club, the General Chair, the USA Swimming Safe Sport staff, and/or other appropriate authority;
3. Participate in workshops as provided by USA Swimming, collect and share information about what USA Swimming and other LSCs are doing to promote safe sport policies, and disseminate information on LSC best practices;
4. Serve as an information resource for XXSI clubs and membership, and will help to identify and connect them with local educational partners and resources;
5. Receive feedback and suggestions on the Safe Sport policies and programs from the XXSI clubs and membership, and provide feedback to the USA Swimming Safe Sport Committee and Safe Sport staff; and
6. Perform other functions as necessary in the fulfillment of USA Swimming's continuing efforts to foster safe, healthy and positive environments for all its members.

E. SAFE SPORT COMMITTEE - The purpose of the XXSI Safe Sport Committee is to ensure implementation of the USA Swimming's Safe Sport policies, guidelines, educational programs, reporting and adjudication procedures which are intended to help provide as safe, healthy and positive environment as possible for all USA Swimming members. The Safe Sport Committee will:

- 1. Coordinate and oversee the implementation of effective ongoing educational programs for all athlete members, their parents, coaches, volunteers and local clubs as provided by USA Swimming;*
- 2. Be the primary contact for the club members in XXSI to share information about what USA Swimming and other LSCs are doing regarding Safe Sport policies and programs; and to collect, develop and disseminate information on LSC best practices;*
- 3. Serve as an information resource for clubs by, among other things, helping to identify and connect them with local educational partners and resources;*

4. *Perform other functions as necessary in the fulfillment of USA Swimming's continuing efforts to foster safe, healthy and positive environments for all its members; and*

5. *Be available to work on special projects, educational programs and assignments as needed.*

.2 Finance Division

A. Financial Planning Committee - The Financial Planning Committee advises the Board of Directors on long-range financial planning, development of investments, and the solicitation of corporate and private funding for PVS programs.

B. Trust Committee - The Trust Committee shall be responsible for establishing procedures and guidelines for PVS Trust funding proposals, evaluating proposals, and providing funding recommendations to the Board of Directors. The committee shall also administer approved programs, allocate funds, account for expenditures, and recommend policies and practices to ensure perpetuation of the Trust.

C. Audit Committee - The Audit Committee of at least three persons, at least one of whom shall not be a member of the Board of Directors, shall be appointed annually by the General Chair with the consent of the Board of Directors. The Audit Committee shall be authorized to, and it shall be its duty to, conduct the annual audit of the PVS books or to have such audit performed by an independent auditor, pursuant to Section 8.5. The Committee shall report to the Board of Directors. Vice Chair of the Finance Division (Treasurer) may not be a member of the Audit Committee. When the audit is performed by the independent auditor, the Audit Committee shall (a) recommend an independent auditor to the Board of Directors, (b) review and negotiate the services to be performed by the auditor, (c) receive and review the audit and other reports submitted by the auditor and (d) submit the audit and other reports and make recommendations to the Board of Directors with regard there to.

.3 Operations Division

A. Computer Coordinator - The Computer Coordinator conducts the Computer Clinics, establishes policy for use of PVS computers, and directs the PVS computerization effort.

B. Equipment Coordinator - The Equipment Coordinator is responsible for the maintenance, repair, and distribution of electronic timing equipment, and for conducting Electronic Timing Clinics.

C. Officials Committee - The Officials Committee is authorized and obligated to recruit, train, test, certify, evaluate, retest, recertify, and supervise officials for PVS. The Officials Chair, appointed by the Board of Directors, shall chair the Officials Committee. The Officials Chair shall be a referee certified by PVS and each member of the Officials Committee shall be a certified official of PVS.

- i. Term of Office. The term of office for the Officials Chair and Committee Members shall be 2 years.
- ii. Commencement of Term. Each person appointed as either the Officials Chair or Committee Member shall assume office the date of their appointment.
- iii. Consecutive Terms Limitation. The Officials Chair shall be limited to two (2) consecutive terms. Committee members shall not be subject to term limitations.

D. Safety Coordinator - The Safety Coordinator shall be responsible for coordinating safety enhancement and training opportunities as needed and for the dissemination of USA Swimming safety education information to all Group Members, athletes, coaches and officials of PVS. The Safety Coordinator shall develop safety education programs and policies for PVS and make recommendations regarding same, and the implementation thereof, to the Vice Chair of the Operations Division and the Board of Directors. The Safety Coordinator shall make the reports required pursuant to Section 8.7

.4 Senior Division

A. Distance Coordinator - The Distance Coordinator is responsible for planning and conducting the PVS distance program.

B. Zone Technical Planning Representative – The Zone Technical Planning Representative assists in developing the Senior Circuit at the Zone level, advises the Vice Chair of the Senior Division concerning development of the PVS Senior program, and assists in the realization of the program.

C. Zone Technical Planning Representative - The Zone Technical Planning Representative assists in developing the Senior Circuit at the Zone level, advises the Vice Chair of the Senior Division concerning development of the PVS Senior program, and assists in the realization of the program.

.5 Age Group Division

A. Camps/Clinic Coordinator - The Camps/Clinic Coordinator is responsible for the development, planning, and conducting of the PVS camp program.

B. Zone Team Coordinators - The Zone Team Coordinators coordinate selection of the PVS All-Star Team, make travel and accommodation arrangements, and assist the coaching staff with the meet logistics.

7.5 DUTIES AND POWERS OF CHAIRS AND COORDINATORS GENERALLY - The duties and powers of the General Chair, the division Vice Chairs, committees or subcommittees (in addition to those provided elsewhere in these Bylaws) chairs and, when applicable, coordinators shall be as follows:

- .1 Preside at all meetings of the respective division, committee or subcommittee;
- .2 See that all duties and responsibilities of the coordinator or the respective division, committee or sub-committee in his charge are properly and promptly carried out;
- .3 Appoint such committees or sub-committees, as well as fill vacancies on such committees or sub-committees, as may be necessary to fulfill the duties and responsibilities of the coordinator or division or committee, respectively;
- .4 Communicate with the respective division, coordinator, committee or subcommittee members to keep them fully informed;
- .5 Keep the General Chair, the respective division coordinator or chair or committee chair and the staff of PVS' office informed of the respective coordinator, division, committee or subcommittee actions and recommendations;
- .6 Appoint a member as secretary of the division, committee or subcommittee charged with taking minutes of each meeting and forward reports or minutes of all meetings to PVS' office;
- .7 Refer to the Board of Directors any recommendation for action which would establish or change policies or programs for PVS, except as otherwise provided in these Bylaws or by the Board of Directors; and
- .8 Perform the other specific duties as may be delegated by the General Chair, the respective division chair or committee chair, the Board of Directors or the House of Delegates.

7.6 DUTIES AND POWERS OF COMMITTEES AND COORDINATORS GENERALLY - Except as otherwise provided in these Bylaws, the duties and powers of the standing committees and coordinators shall be prescribed by the House of Delegates, the Board of Directors, the General Chair or the respective division Vice Chair. Except as otherwise provided in the Bylaws, the duties and powers of any other committees and subcommittees shall be prescribed by the House of Delegates, the Board of Directors or the officer, coordinator or chair pursuant to whose powers such committee or subcommittee was created.

7.7 REGULAR AND SPECIAL MEETINGS - Regular and special meetings of divisions, committees or sub-committees of PVS shall be held as determined by the respective coordinators, chairs, or committee or sub-committee chair. In addition, meetings may be called where applicable by the division Vice Chair, or committee chair or coordinator pursuant to whose authority a committee or sub-committee was established.

7.8 MEETINGS OPEN; EXECUTIVE (CLOSED) SESSIONS - Meetings of divisions, committees and sub-committees shall be open to all members of PVS and USA Swimming. Matters relating to personnel, disciplinary action, legal, taxation and similar

affairs shall be deliberated and decided in a closed executive session which only the respective members are entitled to attend. By a majority vote on a motion of a question of privilege a division, committee or sub-committee may decide to go in-to executive session on any matter deserving of confidential treatment or of personal concern to any member of the division, committee or sub-committee.

7.9 VOICE AND VOTING RIGHTS OF DIVISION, COMMITTEE AND SUB-COMMITTEE MEMBERS - The voice and voting rights of Board Members and Individual Members shall be as follows:

.1 MEMBERS - Each division, committee and sub-committee member shall have both voice and vote in the respective meetings, with the exception of the Competition committee where each member shall have voice, but only the elected Coach Representatives, two at-large coaches appointed by the General Chair, and one representative from each member club shall have voting privileges.

.2 NON-VOTING COMMITTEE OR SUB-COMMITTEE MEMBERS - Unless entitled to vote under another provision of these Bylaws, the General Chair shall have voice but no vote in meetings of divisions, committees and sub-committees. Coaches other than the elected Coach Representatives, the at-large coaches appointed by the General Chair, and the representatives of each member club shall have voice but no vote in meetings of the Competition Committee.

.3 INDIVIDUAL MEMBERS - Individual Members who are not members of the division, committee or sub-committee may attend open meetings of the division, committee or sub-committee and be heard in the discretion of the presiding officer. Unless entitled to vote under another provision of these Bylaws, Individual Members shall have no vote in those meetings.

7.10 ACTION BY WRITTEN CONSENT - Any action required or permitted to be taken at any meeting of a division, committee or sub-committee may be taken without a meeting if all the division, committee or sub-committee members entitled to vote consent to the action in writing and the written consents are filed with the records of the meetings. These consents shall be treated for all purposes as a vote taken at a meeting.

7.11 PARTICIPATION THROUGH COMMUNICATIONS EQUIPMENT - Members of any division, committee or sub-committee may participate in a meeting of the division, committee or sub-committee through conference telephone or similar equipment by means of which all persons participating in the meeting can hear each other at the same time. Participation by such means shall constitute presence in person at a meeting.

7.12 QUORUM - Except as otherwise provided in these Bylaws or in the resolution or other action establishing a committee or subcommittee, a quorum of any committee or subcommittee shall consist of a majority of members of the committee or subcommittee.

7.13 VOTING - Except as otherwise provided in these Bylaws or the Parliamentary Authority, all motions, orders and other propositions coming before a division, committee or subcommittee shall be determined by a majority vote.

7.14 PROXY VOTE - Voting by proxy in any meeting of a division, committee or subcommittee of PVS shall not be permitted.

7.15 NOTICES -

.1 TIME - Except as otherwise provided in these Bylaws or the resolution or other action establishing a committee or sub-committee, not less than forty-eight (48) hours notice in the case of notice given by telephone, and six (6) days notice in all other cases, shall be given for any meeting of a division, committee or sub-committee of PVS. Separate notices need not be given for regular meetings that are scheduled well in advance. (See Section 16.1.5 for the various forms of notice.)

2. INFORMATION - The notice of a meeting shall contain the time, date and site.

7.16 ORDER OF BUSINESS - At all meetings conducted under the authority of this Article, the following shall be included in the order of business to the extent applicable; the order in which subjects are taken up may be varied:

- Roll Call
- Reading, correction and adoption of minutes
- Reports of coordinators, committees and subcommittees
- Unfinished (old) business
- New business
- Resolutions and orders
- Adjournment

7.17 RESIGNATIONS - Any committee or subcommittee chair or member or coordinator may resign by orally advising the General Chair or by submitting a written resignation to the Board of Directors specifying an effective date of the resignation. If such date is not specified, the resignation shall take effect upon the appointment of a successor.

7.18 VACANCIES - The determination of when the position of an appointed committee or subcommittee chair, committee member or a coordinator becomes vacant or the person becomes incapacitated, if not made by the person, shall be within the discretion of the Board of Directors, or the division chair, committee chair, or coordinator who appointed said committee or subcommittee. (See Section 6.8 for provisions applicable to elected committee chairs and coordinators.) In the event of a vacancy or permanent incapacity, the General Chair-man, with the advice and con-sent of the Board of Directors and the respective division chair, shall appoint a successor to serve until the conclusion of the incumbent's term. A temporary incapacity may be left unfilled at the

discretion of the General Chair or an appointment may be made for the duration of the temporary incapacity.

7.19 DELEGATION - With the consent of the Board of Directors or the respective division coordinator or chair, a committee or subcommittee chair or a coordinator may delegate a portion of their powers or duties to another officer of PVS, or to another committee, subcommittee or coordinator, or, with the consent of the Board of Directors, to the staff of PVS. Notwithstanding any delegation, the ultimate responsibility for the delegated duties and obligations shall remain with the delegator.

7.20 APPLICATION TO NOMINATING COMMITTEE AND BOARD OF REVIEW - Sections 7.5 through 7.16 shall apply to the Nominating Committee and any other committee of the Board of Directors or the House of Delegates, unless otherwise provided in these Bylaws or in the resolution creating the committee. These provisions shall also apply to Board of Review meetings, but shall not apply to its hearings or deliberations.

ARTICLE 8 ANNUAL AUDIT, REPORTS AND REMITTANCES

8.1 MINUTES - The Vice Chair of the Administrative Division (Secretary) shall, within thirty (30) days after each meeting of the Board of Directors and the House of Delegates, transmit a copy of the minutes of the meeting to the respective members and to USA Swimming national headquarters.

8.2 FINANCIAL AND FEDERAL TAX REPORTS - The Vice Chair of the Administrative Division (Secretary) shall forward to USA Swimming national headquarters a copy of the annual closing Balance Sheet and Statement of Income and Expense for the preceding fiscal year following completion of the audit of the accounts and internal financial controls and procedures of PVS and the report thereon, prepared in accordance with Section 8.5, within fifteen (15) days of receipt of the audit report, and shall advise USA Swimming national headquarters within thirty (30) days following acceptance by the House of Delegates. Copies of any corresponding federal income tax return required to be filed by PVS under the IRS Code shall be included with the annual audit report sent to USA Swimming national headquarters.

8.3 STATE AND LOCAL REPORTS AND FILINGS - The Vice Chair of the Administrative Division (Secretary) shall cause to be made all reports and non-tax filings and shall requisition, from the Vice Chair of the Finance Division (Treasurer), checks with which to pay any applicable fees required by PVS' state of incorporation and by any other state or municipality in which it operates.

8.4 PUBLIC AVAILABILITY OF CERTAIN INFORMATION - PVS shall cause to be made available at the PVS permanent office, to anyone requesting to see, a copy of PVS' federal income tax and information returns for each of the last three years, and a copy of the materials submitted by USA Swimming, to include PVS, in USA Swimming's

group exemption ruling as required pursuant to IRS Code section 6104 and any similar requirements of applicable state or local laws.

8.5 ANNUAL AUDIT - An annual audit of the accounts, books and records of PVS shall be completed no later than the end of the third month following the end of its fiscal year. The audit, or review, shall be conducted by an independent auditor or an audit committee. At least once every 3 years, the annual audit must be conducted by an independent auditor. The audit shall cover any federal, state or local income tax return that PVS is required to file under the IRS Code or applicable provisions of state or local law, rules or regulations, the balance sheet, the statement of income and expenses, check register and bank statements and other records as is deemed appropriate. If the audit is conducted by an audit committee, the committee shall issue a report signed by all of its members and stating that the financial records and reports of PVS have been reviewed and fairly present the financial condition of PVS as of the date of the balance sheet and for the fiscal period of the statement of income and expenses and the report is true and correct to the best of the committee's knowledge, information and belief. If the audit, or review, is conducted by an independent auditor, the report shall be in accord with generally accepted auditing practices applicable to the audit or review, as the case may be.

8.6 MEMBERSHIP AND REGISTRATION REPORTS - The Registrar shall forward in a timely manner all required reports to the Executive Director of USA Swimming. These reports shall be accompanied by a remittance of the appropriate membership and registration fees due to USA Swimming. The Registrar shall make periodic summary reports to the Vice Chair of the Administrative Division (Secretary), the Board of Directors and the House of Delegates.

8.7 SAFETY REPORTS -

.1 INCIDENT/OCCURRENCE REPORTS - An occurrence report providing all of the information requested by applicable USA Swimming form should be completed at the time of the occurrence by the meet director, officer, coach or club officer with copies to USA Swimming national headquarters, the Safety Coordinator, the Vice Chair of the Administrative Division (Secretary) and the PVS office.

.2 REPORTS OF INJURIES - The Safety Coordinator shall present a report concerning swimming-related injuries within the Territory at each House of Delegates and Board of Directors meeting.

A. House of Delegates Reports - The report to the House of Delegates shall be written and shall provide in summary form the pertinent information including whether the injured party is a member of PVS and USA Swimming, the location of the occurrence and a brief description of the incident, the resulting injury and the emergency-care steps taken, together with any recommendation for action by PVS and its members to reduce the likelihood of a recurrence and the status of that recommendation. The written report shall include a review of the pertinent statistical

information provided by USA Swimming national headquarters. The Safety Coordinator is responsible for distribution of this report to each Club Safety Coordinator. A copy of each House of Delegates report shall also be sent to the USA Swimming national headquarters.

B. Board of Directors Reports - The regular report to the Board of Directors may be a summary addressing primarily any recommendation for action by PVS and its members.

.3 SAFETY EDUCATION - The Safety Coordinator shall be responsible for disseminating safety information flowing from USA Swimming Headquarters and exploring safety education opportunities and developing a safety education program tailored to PVS, its members and Territory.

8.8 MAILING ADDRESS - PVS shall notify, in writing, USA Swimming national headquarters of any change in its regular mailing address within 14 days of the change.

8.9 REPORTS GENERALLY - PVS shall make all reports and remittances to USA Swimming, as specified in the USA Swimming Rules or by the National Board of Directors or National House of Delegates, in such a manner and on such written forms as may be requested by USA Swimming national headquarters. The General Chair, the Registrar, the Vice Chair of the Administrative Division (Secretary), and the Vice Chair of the Finance Division (Treasurer) shall be collectively responsible for seeing that all required reports and remittances are made.

ARTICLE 9 MEMBERS' BILL OF RIGHTS

9.1 INDIVIDUAL MEMBERS' BILL OF RIGHTS - PVS, in furtherance of the applicable articles of the USA Swimming Rules and Regulations, shall respect and protect the right of every Individual Member who is eligible under PVS, USA Swimming and FINA rules and regulations to participate in any competition as an athlete, coach, trainer, manager, meet director or other official, so long as the competition is conducted in compliance with PVS, USA Swimming and FINA requirements. Before any Individual Member is denied the right to participate in a competition, the individual shall have the right to request and have a hearing before, and a determination of, the Board of Review or the National Board of Review. If the Individual Member is permitted to participate subject to a protest, a hearing and determination may take place after the competition is concluded.

9.2 CLUB MEMBERS' BILL OF RIGHTS - PVS shall respect and protect the right of every Club Member which is eligible under PVS, USA Swimming and FINA rules and regulations to participate in any competition through its athletes, coaches, trainers, managers, meet directors and other officials, so long as the competition is conducted in compliance with PVS, USA Swimming and FINA requirements. Before any Club Member is denied the right to participate in a competition, the Club Member shall have

the right to request and have a hearing before, and a determination of, the Board of Review or the National Board of Review. If the Club Member is permitted to participate subject to a protest, a hearing and determination may take place after the competition is concluded.

ARTICLE 10 BOARD OF REVIEW ORGANIZATION

10.1 INTRODUCTION - USA Swimming was organized as the National Governing Body for the sport of swimming under the Amateur Sports Act of 1978, as amended by the Ted Stevens Olympic and Amateur Sports Act of 1998, both federal laws. These laws require USA Swimming to establish and maintain provisions for the swift and equitable resolution of all disputes involving any of its members. This Article, together with Section 2.2, and the USA Swimming Rules and Regulations, are intended to provide a clear statement of member responsibilities, liabilities for infractions thereof and a mechanism for resolving in an orderly and fair way all manner and kinds of disputes that may arise among its members in connection with the sport of swimming. Accordingly, PVS has established the PVS Board of Review (the "Board") to hear complaints, protests and appeals regarding the administration and conduct (including acts and failures to act) of the sport of swimming in the Territory, conduct that may violate the USA Swimming Rules and Regulation, Code of Conduct or otherwise violate the policies, procedures, rules and regulations adopted by USA Swimming or PVS, or conduct that may bring USA Swimming, PVS or the sport of swimming into disrepute. This Article, together with Part Four of the USA Swimming Rules and Regulations, are intended to provide a uniform method of appeal from any decision, act or failure to act to which a member of PVS or, where the conduct occurred in the Territory, another LSC takes exception, and to provide an opportunity for a fair hearing before a group of independent and impartial people. This Article shall be construed accordingly.

10.2 BOARD OF REVIEW ORGANIZATION -

.1 ESTABLISHMENT - The Board of Review of PVS shall be independent and impartial.

.2 MEMBERS - The Board of Review shall have at least five (5) regular member and at least three (3) alternate members. The Board of Review, and any panel hearing a case, shall have a sufficient number of athlete members to constitute at least 20% of its membership. The House of Delegates may increase the number of regular or alternate members by resolution but subsequent to the adoption of these Bylaws may only decrease the number of regular or alternate members upon the expiration of the term of office of any incumbent members. When a matter is being heard by less than the full Board of Review, the panel hearing the case shall include a sufficient number of athlete members so as to constitute at least 20% of the hearing panel. No hearing shall proceed without the required athlete representation.

Each *regular and alternate* member of the Board of Review shall be an Individual Member of XXSI and USA Swimming. In no case shall the General Chair serve on the Board of Review or elected members of the Board of Directors constitute a majority of the Board of Review

.3 ELECTION; TERM OF OFFICE; ELIGIBILITY -

A. Election - The House of Delegates shall annually elect members of the Board of Review: One half the members (rounded up if necessary) shall be elected in even-numbered years and one half the members (rounded down if necessary) shall be elected in odd-numbered years.

B. Term of Office - The term of office shall be two (2) years. Each member shall assume office upon the start of the fiscal year of PVS and shall serve until a successor takes office.

C. Eligibility - Each member of the Board of Review shall be an Individual Member of PVS and USA Swimming. In no case shall elected members of the Board of Directors constitute a majority of the Board of Review.

.4 CHAIR ELECTED BY BOARD; OTHER OFFICERS - The Chair, who must be a regular member, shall be elected annually by a majority vote of the members of the Board of Review. The outgoing Chair shall be responsible for assuring the election is conducted. The Chair shall annually appoint a Vice-Chair and a Secretary of the Board of Review, each of whom must be regular members. The Chair shall also serve as an ex-officio member of the Board of Directors.

.5 FAILURE TO ELECT/APPOINT - Should the Board of Review fail to elect a Chair and/or appoint a Vice Chair and a Secretary of the Board in a timely manner, the General Chair may appoint, with the advice and consent of the Board of Directors, a Chair, Vice Chair and/or Secretary of the Board of Review, as applicable. Such individuals shall be appointed from amongst the regular members whom the House of Delegates has elected to the Board of Review and shall serve until such time as the Board of Review elects or appoints their successors in accordance herewith.

.6 MEETINGS - The Board of Review shall meet for administrative purposes at least once annually to elect the Chair, to adopt rules and procedures and to conduct other business as may be helpful or necessary to achieve the purposes of the Board of Review and efficiently exercise its duties and powers. Other meetings may be called by the Chair or any three (3) members. When meeting for administrative purposes, Sections 7.5 through 7.16 shall apply to the Board of Review.

.7 PARTICIPATION THROUGH COMMUNICATIONS EQUIPMENT - Members of the Board of Review may participate in a meeting or hearing of the Board of Review, and any hearing may be conducted, in whole or in part, through conference telephone or similar equipment by means of which all persons participating in the meeting can

hear each other at the same time. Participation by these means shall constitute presence in person at such a meeting or hearing.

.8 QUORUM - A quorum for any administrative meeting of the Board of Review shall be fifty percent (50%) of its regular members, including athlete members.

.9 RESIGNATIONS - Any regular or alternate member of the Board of Review may resign by orally advising the Chair of the Board of Review or by submitting a written resignation to him/her, the General Chair or the Board of Directors specifying an effective date of the resignation. In the absence of a specified effective date, any such resignation shall take effect upon the appointment or election of a successor.

.10 INCAPACITIES AND VACANCIES -

A. Office of Chair - In the event of a vacancy in the office of the Chair, or of the Chair's temporary or permanent incapacity, the Vice-Chair shall become the Acting Chair until an election can be held at a meeting of the Board of Review to fill the remaining term, if any, of the former Chair, or until the Chair ceases to suffer from any temporary incapacity. If the Chair is going to be absent from the Territory, the Chair may, but is not obligated to, designate the Vice-Chair as Acting Chair for the duration of the absence.

B. Presiding Officer - In the event of the death, resignation or permanent incapacity of a Presiding Officer, the Chair shall appoint another member or an attorney to serve until the completion of the hearings assigned to that Presiding Officer. Generally that event and appointment should have no impact on those pending hearings or rehearings other than delay for the benefit of the new Presiding Officer. The Chair or the new Presiding Officer may make such other orders as are in the interests of fairness, justice and the sport of swimming. In the case of a temporary incapacity of a Presiding Officer, the Chair shall have discretion regarding appointment of a new Presiding Officer, a delay of the hearing or rehearing or such other order as may serve the interests of fairness, justice and the sport of swimming.

C. Other Members - In the event of a death, resignation or permanent incapacity of a member of the Board of Review, the General Chair shall appoint an Individual Member, with the advice and consent of the Board of Directors, to serve as a Board of Review member until the next regularly scheduled meeting of the House of Delegates. In the event of a temporary incapacity, the Chair of the Board of Review shall designate another member to act for the incapacitated member for the duration of the incapacity. If there are no members available to serve, the General Chair, with the advice and consent of the Board of Directors, shall appoint one or more Individual Members to serve as members to serve until the next regularly scheduled meeting of the House of Delegates.

D. Determination of Vacancy or Incapacity - The determination of when a membership on the Board of Review becomes vacant or a member becomes

incapacitated shall be within the discretion of the Board of Review, subject to any subsequent action by the House of Delegates. The determination as to when the Chair is temporarily incapacitated shall be made, where the circumstances permit, by the Chair and otherwise shall be within the discretion of the Board of Review, subject to any subsequent action by the House of Delegates.

.11 SUBSTITUTIONS FOR MEMBERS - In the event that a member of the Board of Review or a Presiding Officer is unable or unwilling to promptly act for any reason, recuses herself or himself or is disqualified in any particular circumstance, the Chair (or, if the person so unable or unwilling to act or recused or disqualified is the Chair, the Vice-Chair of the Board of Review; or failing that, the General Chair) shall appoint another member or, if none of the members is available, a disinterested Individual Member to act in the member's place and stead in respect of that circumstance.

.12 ADVICE; ATTORNEY AS PRESIDING OFFICER -

A. Legal and Other Advice - Where appropriate or helpful, the Chair or Presiding Officer may consult the USA Swimming General Counsel, the Chairs of the USA Swimming Rules and Regulations or Officials Committees or of the Bylaws Subcommittee Chair or an attorney (who need not be a member of PVS, USA Swimming or the Board of Review) retained by the Board of Review or the Chair regarding any issue raised by a proceeding.

B. Attorney as Presiding Officer - The Board of Review or the Chair may retain an attorney (who need not be a member of PVS, USA Swimming or the Board of Review) to act as Presiding Officer at any hearing where it is appropriate or helpful. A Presiding Officer who is not a Board of Review member may participate in the deliberations of the Board of Review or the designated panel but shall not be counted in determining the existence of a quorum and shall not have a vote.

C. Attorney's Fees and Expenses - Prior to retaining an attorney on any basis requiring the payment of fees to the attorney (the payment of expenses to an attorney providing services at no charge (pro bono publico) shall not be considered as a payment of fees for this purpose), the Chair or the Presiding Officer of the Board of Review shall consult with the General Chair and the USA Swimming General Counsel. The Vice Chair of the Finance Division (Treasurer) is authorized and directed to pay any

10.4 GENERAL -

.1 ADMINISTRATIVE POWERS - The Board of Review shall have the powers and the duty to:

A. administer and conduct the affairs and achieve the purposes of the Board of Review,

B. establish policies, procedures and guidelines,

C. elect the Chair in accordance with Section 10.2.4,

D. elect or provide for the appointment of other officers, agents, committees or coordinators to hold office for terms, and to have the powers and duties specified,

E. call regular or special meetings of the Board of Review,

F. retain attorneys, agents and independent contractors and employ those persons which the Board of Review may determine are appropriate, necessary or helpful in the administration and conduct of its affairs and

G. as may otherwise be appropriate, necessary or helpful in the administration and conduct of its affairs, the achievement of its purposes and the efficient exercise of its duties and powers.

.2 RULE MAKING POWERS - The Board of Review shall have the power and the duty to promulgate rules and procedures with respect to any matter within its jurisdiction or appropriate, necessary or helpful in the administration and conduct of its affairs. The rules and procedures adopted by the Board of Review shall have the same force and effect as if they had been adopted as part of these Bylaws.

.3 EXERCISE OF POWERS AND DECISIONS - Except for authority and power granted to the Chair or the Presiding Officer, the exercise of the authority and powers of the Board of Review and the decision of matters which are the subject of a hearing shall be decided by a majority vote of the panel, the rehearing panel or membership of the Board of Review. The views of any dissenters shall be included in the record of the proceeding if requested by the dissenters. The exercise of the Board of Review's authority and power shall lie solely in its discretion and the interests of justice and the sport of swimming. The Board of Review shall exercise its power in response to a timely Petition filed with it, subject, in appropriate circumstances, to the power and discretion of the Chair or Presiding Officer to dismiss a Petition with permission to refile for a stated period. In connection with any preliminary investigation, the Chair or Presiding Officer may offer the services of a Board of Review member to act as a mediator or similar positions under other alternative dispute resolution mechanisms.

.5 TIMELINESS OF PROTEST - The Board of Review need not exercise its jurisdiction with respect to a Petition the subject matter of which occurred, or concerns or is founded on events which occurred, more than ninety (90) days prior to the date the Petition is received (as determined under Article 406.1 of the USA Swimming Rules and Regulations). A determination not to exercise its jurisdiction as a result of the untimeliness of a Petition may be the subject of a request for rehearing and, thereafter, appeal to the National Board of Review pursuant to Article 408 of the USA Swimming Rules and Regulations.

.6 FILING FEES - The Board of Directors or the House of Delegates may impose a schedule of generally applicable fees to be collected at the time a Petition, Request for a Rehearing or Request for Formal Hearing following an Emergency Hearing is filed with the Board of Review. If, on its own initiative or upon written request, the Board of Review determines it to be in the interest of justice and the sport of swimming, the filing fee may be waived on a case-by-case basis.

ARTICLE 11 ORGANIZATION, AMENDMENT OF BYLAWS AND DISSOLUTION

11.1 NON-PROFIT AND CHARITABLE PURPOSES - PVS is organized exclusively for charitable and educational purposes and for the purpose of fostering national or international amateur sports competition within the meaning of section 501(c)(3) of the IRS Code. Notwithstanding any other provision of these Bylaws, PVS shall not, except to an insubstantial degree, (1) engage in any activities or exercise any powers that are not in furtherance of the purposes and objectives of PVS or (2) engage in any activities not permitted to be carried on by: (A) a corporation exempt from federal income tax under such section 501(c)(3) of the IRS Code or (B) a corporation to which contributions, gifts and bequests are deductible under sections 170(c)(2), 2055(a)(2) and 2522(a)(2) of the IRS Code.

11.2 DEDICATION OF ASSETS, ETC. - The revenues, properties and assets of PVS are irrevocably dedicated to the purposes set forth in Sections 1.2 and 11.1 of these Bylaws. No part of the net earnings, properties or assets of PVS shall inure to the benefit of any private person or any member, officer or director of PVS.

11.3 AMENDMENTS - Any provision of these Bylaws not mandated by USA Swimming may be amended at any meeting of the House of Delegates by a two-thirds vote of the members present and voting. Amendments so approved shall not take effect until reviewed and approved by the USA Swimming Rules and Regulations Committee.

11.4 DISSOLUTION - PVS may be dissolved only upon a two-thirds majority vote of all the voting members of the House of Delegates. Upon dissolution, the net assets of PVS shall not inure to the benefit of any private individual, unincorporated organization or corporation, including any member, officer or director of PVS, but shall be distributed to USA Swimming, to be used exclusively for educational or charitable purposes. If USA Swimming is not then in existence, or is not then a corporation which is exempt under section 501(c)(3) of the IRS Code and to which contributions, bequests and gifts are deductible under sections 170(c)(2), 2055(a)(2) and 2522(a)(2) of the IRS Code, the net assets of PVS shall be distributed to a corporation or other organization meeting those criteria and designated by the House of Delegates at the time of dissolution, to be used exclusively for educational or charitable purposes.

ARTICLE 12 INDEMNIFICATION

12.1. INDEMNITY - Unless otherwise specifically required by law, PVS shall only be obligated to provide indemnification benefits to the indemnified persons through the use of USA Swimming membership insurance policies. In special cases, the Board of Directors may elect to provide full or partial indemnity, as permitted by law, beyond the coverage of the applicable insurance.

12.2. INDEMNIFIED PERSON - As used in this article, "Indemnified Person" shall mean any person who is included in the definition of indemnified person in any insurance policy purchased and maintained for the purpose of this article to include those acting on behalf of PVS and at the direction of an Officer or the Board of Directors of PVS.

ARTICLE 13 PARLIAMENTARY AUTHORITY

13.1 ROBERT'S RULES - The rules in the then current edition of Robert's Rules of Order Newly Revised shall govern PVS and any of its constituent or component parts, committees, etc., in the conduct of meetings in all cases to which they apply and in which they are not inconsistent with these Bylaws and any special rules of order PVS, the House of Delegates, the Board of Directors or its divisions, committees, etc., may adopt or as set forth in the next paragraph.

13.2 VOICE AND VOTE - Where in these Bylaws an Individual Member is described as having voice but not the right to vote, that Individual Member may participate in debate and ask pertinent questions in the discretion of the presiding officer, but may not make or second motions, orders or other proposals.

ARTICLE 14 PERMANENT OFFICE AND STAFF

14.1 OFFICE - PVS shall maintain an office in the Territory for the storage and maintenance of the books and records and equipment of PVS and for other purposes as may be determined by the House of Delegates or the Board of Directors in accordance with these Bylaws.

14.2 STAFF - PVS shall retain staff at the PVS Office as the Board of Directors may determine to be appropriate or necessary. The staff shall be under the general supervision of the General Chair. With respect to delegated functions of the officers, committee chairs and coordinators, the staff shall be responsible to the respective officer, committee chair or coordinator. The powers and duties of the staff shall be established by resolution of the Board of Directors.

14.3 APPROPRIATIONS - The Vice Chair of the Finance Division (Treasurer) shall include in the proposed budget a line item for the costs of PVS' Office inclusive of the compensation and benefits costs of the staff. Once appropriated by the House of

Delegates, the General Chair shall be responsible for the administration of those funds. The compensation of the staff shall to the extent possible be treated as confidential.

ARTICLE 15 MISCELLANEOUS

15.1 EFFECT OF STATE LAW CHANGES (SEVERABILITY) - If any portion of these Bylaws shall be determined by a final judicial decision to be, or as a result of a change in the laws of the State of Maryland become, illegal, invalid or unenforceable, the remainder of these Bylaws shall continue in full force and effect.

15.2 FISCAL YEAR - The fiscal year of PVS shall end on August 31st of each year.

15.3 TAX STATUS; INTERPRETATION OF BYLAWS - It is intended that PVS shall have and continue to have the status of an organization which is exempt from federal income taxation under section 501(c)(3) of the IRS Code and to which contributions, bequests and gifts are deductible for federal income, estate and gift tax purposes under sections 170(c)(2), 2055(a)(2) and 2522(a)(2) of the IRS Code, respectively. Similarly, it is intended that PVS shall have that or similar status under the applicable state and local laws as will exempt it from taxation to the maximum extent possible to the extent not contrary to applicable federal requirements. These Bylaws shall be interpreted accordingly

ARTICLE 16 DEFINITIONS, CONVENTIONS AND RULES OF INTERPRETATION

16.1 CONVENTIONS AND RULES OF INTERPRETATION -

.1 TERMS GENERALLY - Whenever the context may require, any pronoun or official title shall include the corresponding masculine, feminine and neuter forms. The words "include", "includes" and "including" shall be deemed to be followed by the phrase "without limitation". The singular shall include the plural and the plural shall include the singular as the context may require. Where the context permits, the term "or" shall be interpreted as though it were "and/or". Captions have been used for convenience only and shall not be used in interpreting the Bylaws.

.2 CAPITALIZED TITLES - Capitalized titles, such as Secretary or Treasurer, when appearing alone shall refer to PVS positions and not to USA Swimming or another organization.

.3 PRINCIPAL RULE OF INTERPRETATION - The principal substantive rule of interpretation applicable to these Bylaws is set forth in Section 15.3.

.4 RULE OF INTERPRETATION APPLICABLE TO ARTICLE 10 - Article 10 shall be interpreted generously in order to achieve the intent expressed in Section 10.1.

.5 NOTICE DEEMED GIVEN; WRITINGS DEEMED DELIVERED; LAST KNOWN ADDRESS -

A. Notice by Mail - Notice given and other writings delivered by first class mail, postage prepaid, and addressed to the last address shown on the records of PVS shall be deemed given or delivered upon the postmark date for all purposes under these Bylaws.

B. Notice by Fax or E-mail - Notice given and writings delivered by facsimile or electronic mail shall be deemed given or delivered upon oral, telephonic, electronic or written confirmation of recipient for all purposes under these Bylaws.

C. Notice by Telephone - Notice given by telephone shall be deemed given only when actually transmitted to the person entitled thereto for all purposes under these Bylaws. (Thus, for example, a message left on an answering machine or similar equipment or with a person other than the intended recipient shall not be notice given prior to the actual receipt by the intended recipient.)

D. Last Known Address - For all purposes under these Bylaws, the last known address of a member of PVS shall be the address given in the latest application for registration or membership in PVS and USA Swimming filed with the Registrar or the address given in a written notice of change of residence filed with that Coordinator. In all other cases the records maintained by the Vice Chair of the Administrative Division (Secretary) of PVS shall be used to ascertain the last known address.

.6 TIME PERIOD CONVENTION - In computing time periods established by these Bylaws, the initial time period (days or hours) shall not be included but the last period shall be included.

.7 WAIVER OF NOTICE CONVENTION - Untimely or insufficient notice for any meeting held under the authority of these Bylaws shall be considered to have been waived if a member attends or participates in the meeting to which such notice referred or to which notice was lacking without, at the earliest opportunity, raising an objection of untimely or insufficient notice having been given for such meeting. If the member is a Group Member Representative, then the relevant Group Member shall be treated as having waived the untimely or insufficient notice to the same extent.

16.2 DEFINITIONS - When used in these Bylaws, the following terms shall have the meanings indicated in this Section, and the definitions of such terms are equally applicable both to the singular and plural forms thereof. Where a cross reference to another Section of the Bylaws appears within a definition, the definition is qualified by the more complete definition found in that Section. For an additional definition applicable solely to Article 12, see Section 12.3:

.1 "Active Individual Member" shall mean an individual other than a Coach Member, or an Athlete Member or a Seasonal Athlete Member who is a trainer,

manager, official, meet director, marshal, Board Member, At-Large House Member, officer or committee chair or member, coordinator, or a Group Member Representative or alternate, and who is in good standing as an Individual Member of PVS and USA Swimming.

.2 "Affiliated Group Member" shall mean any organization which supports the sport of swimming and the objectives and programs of PVS and USA Swimming, but which does not have Athlete Members and Coach Members, which is in good standing as a Group Member of PVS and USA Swimming, and which is not a Club Member of PVS.

.3 "Affiliated Group Member Representative" shall mean the individual appointed to represent a Affiliated Group Member in the House of Delegates.

.4 "Article" shall mean the principal subdivisions of these Bylaws.

.5 "Articles of Incorporation" shall mean the document filed with the Maryland Secretary of State pursuant to which PVS was formed.

.6 "At-Large House Member" shall mean the Individual Members appointed by the General Chair to be members of the House of Delegates.

.7 "Athlete Member" shall mean any individual who competes or has competed during any part of the three (3) immediately preceding years in the sport of swimming and is in good standing as an Individual Member of PVS and USA Swimming.

.8 "Athlete Representative" shall mean the Athlete Member elected to represent athletes in the House of Delegates and on the Board of Directors pursuant to Section 4.1.3.

.9 "Board Member" shall mean a member of the Board of Directors. Where the contexts require, the term does not include the Athlete Representatives or the Coach Representatives.

.10 "Board of Directors" shall mean the Board of Directors of PVS.

.11 "Board of Review" shall mean the investigative and judicial body of PVS established pursuant to Section 10.2.

.12 "Business day" shall mean a calendar day which is not a Saturday, a Sunday or a legal federal or state holiday anywhere within the Territory.

.13 "Bylaws" shall mean these bylaws as adopted by, and in effect for, PVS.

.14 "Club" shall mean an organization that has athletes and coaches engaged in the sport of swimming.

.15 "Club Member" shall mean any club or other organization which is in good standing as a Group Member of PVS and USA Swimming and has athletes and coaches and participates in the sport of swimming. All athletes and coaches of the club or organization must be Individual Members in good standing with PVS and USA Swimming.

.16 "Club Member Representative" shall mean the individual appointed to represent a Club Member in the House of Delegates pursuant to Section 4.1.1.

.17 "Coach Member" shall mean any individual, whether or not affiliated with a Group Member, who has satisfactorily completed all safety and other training required by PVS and/or USA Swimming and who is in good standing as a member of PVS and USA Swimming.

.18 "Coach Representative" shall mean the Coach Member elected to represent the coaches in the House of Delegates and the Board of Directors.

.19 "FINA" shall mean the Federation Internationale de Natation, the international governing body for the sport of swimming.

.20 "Group Members" shall mean Club Members and Affiliated Group Members.

.21 "Group Member Representative" shall mean the individual appointed to represent a Group Member in the House of Delegates.

.22 "House of Delegates" shall mean the House of Delegates of PVS, as established by Article 4 of these Bylaws.

.23 "Immediate Past General Chair" shall mean the individual who is the immediate past General Chair of PVS, except when that person became immediate past General Chair by virtue of the House of Delegates taking action pursuant to Section 4.4.8, the Board of Directors taking action pursuant to Section 5.4.10 or the House of Delegates failing to reelect that person to another term sought by that person. The Immediate Past General Chair shall serve for the duration of the successor General Chair's term. If the office of Immediate Past General Chair becomes vacant for any reason, including the exception set forth in the initial sentence of this definition, it shall not be filled by appointment or election, but shall remain vacant until another individual becomes Immediate Past General Chair.

.24 "Individual Members" shall mean Athlete Members, Coach Members, Active Individual Members and Seasonal Athlete Members.

.25 "In good standing" shall refer to those members who have fulfilled the eligibility requirements and paid the necessary fees to be granted said membership.

.26 "IRS Code" shall mean the United States Internal Revenue Code of 1986, as amended from time to time, or the corresponding provision of any future United States internal revenue law, and shall, when appropriate, also include a reference to the Treasury Regulations issued thereunder.

.27 "Local Swimming Committee" or "LSC" shall have the meaning ascribed thereto in the USA Swimming Rules and Regulations. PVS is a Local Swimming Committee.

.28 "Member" shall mean a Group Member or an Individual Member.

.29 "National Board of Review" shall mean the National Board of Review of USA Swimming established pursuant to Part Four of the USA Swimming Rules and Regulations. Where the context requires, a reference to the National Board of Review shall include a reference to the USA Swimming Board of Directors when that body is acting upon an appeal from the National Board of Review.

.30 "Nominating Committee" shall mean the committee of the House of Delegates charged with nominating candidates for elective offices of PVS.

.31 "Parliamentary Authority" shall mean the authority and any special rules of order designated in Article 13.

.32 "Policies and Procedures Manual" shall mean the policies and procedures manual of PVS, as amended, adopted by the Board of Directors or the House of Delegates. Until PVS adopts a Policies and Procedures Manual, the reference shall mean the relevant meeting minutes, orders and resolutions of PVS.

.33 "PVS" shall mean the Maryland not-for-profit corporation to which these Bylaws pertain.

.34 "PVS Office" shall mean the permanent office of PVS maintained in accordance with Article 14.

.35 "Seasonal Athlete Member" shall mean any individual who participates or competes in the sport of swimming and has joined for April through August in a calendar year and is in good standing as a Seasonal Athlete Member of PVS and USA Swimming.

.36 "Section" shall mean the subdivisions of the Articles of these Bylaws.

.37 "Senior Athlete Representative" shall mean the Athlete Representative senior in term of office or, in cases where there are more than two (2) Athlete Representatives, the Athlete Representative designated in accordance with Section 4.1.3.

.38 "Senior Coach Representative" shall mean the Coach Representative senior in term of office.

.39 "Standing Committee" shall mean a committee of PVS listed in Sections 7.1, 7.2, or 7.4.

.40 "Territory" shall mean the geographic territory over which PVS has jurisdiction as a Local Swimming Committee.

.41 "USA Swimming" shall mean USA Swimming , Inc., a Colorado not-for-profit corporation which is the national governing body for the United States for the sport of swimming.

.42 "USA Swimming Board of Directors" shall mean the Board of Directors of USA Swimming.

.43 "USA Swimming Rules and Regulations" shall mean the published rules and regulations, as adopted and amended by USA Swimming.

.44 "USA Swimming House of Delegates" shall mean the House of Delegates of USA Swimming.

.45 "USA Swimming Rules and Regulations Committee" shall mean the Rules and Regulations Committee of USA Swimming created pursuant to the applicable article of the USA Swimming Rules and Regulations.

APPENDICES TO THE PVS BYLAWS

APPENDIX A QUESTIONS AND ANSWERS ABOUT RESOLVING DISPUTES

INTRODUCTION

The form of the Required LSC Bylaws was substantially revised by USA Swimming in September of 1995 and again in September 2008; however, the basic structure used for resolving disputes has not materially changed. Members (and non-members) of USA Swimming who disagree with a decision or an action of taken by a meet official or any other LSC officer or who have a swimming-related dispute with another member may appeal those decision, or may submit those disputes, for resolution to the LSC Board of Review. The Board of Review is responsible for resolving these disputes quickly, fairly and with ***due process***.

The purpose of this Appendix is to help with the details of preparing and filing complaints and appeals, and handling a Petition as a Board of Review member. Violation and interpretations of the Rules and Regulations of USA Swimming (the "Rules") and the Bylaws of the PVS can have serious consequences or involve relatively minor matters. The consequences can range from being barred from membership due to inappropriate recruiting to whether a club should be penalized for being slow in distributing final meet results. Yet, to the people involved, each dispute, each incident is just as important as the other.

Because serious matters are being handled by the Board of Review, several sections of Article 610 of the Bylaws were relocated to Part Four of the Rules, thus making them more accessible to the membership. Many of the sections may appear to be written in "legalese" but that was done to insure that--as much as possible--they would be interpreted uniformly, consistently and correctly. While the language may be technical, the ideas behind the Board of Review provisions are simple and basic. Anyone with a problem should receive a fair, impartial hearing and have the problem resolved promptly and with ***due process***.

The rules and procedures set forth in Article 10 of the PVS Bylaws and Part Four of the Rules are meant to provide:

- a quick and effective remedy for the Petitioner and the Respondent;
- a hearing by objective unbiased persons, at first a panel of the elected members of the Board of Review, consisting of between three (3) and five (5) member, including at least one athlete member Article 406.2.2 of the Rules);
- several levels of appeal are provided; from the initial Board of Review panel to a rehearing by all the members of the Board of Review (or at least seven (7) members) (Article 406.3.1 of the Rules) with at least twenty percent (20%) athlete representation; and an appeal of the decision to the National Board of Review (Article 408 of the Rules);

all the way to an appeal to the United States Olympic Committee under its Constitution in cases where an athlete is denied the right to compete in international competition.

COMMON QUESTIONS ABOUT COMPLAINTS AND THE BOARD OF REVIEW PROCESS WHAT IS DUE PROCESS?

Procedural due process is the administration of applicable rules and regulations so that no member is denied his or her legal rights and the application of those rules and regulations in conformance with the fundamental and accepted legal principles. It is the way you would want to be treated if you were charged with misconduct. It includes:

- Notice, in writing, if at all possible, of the specific things that you are being charged with doing or not doing;
- The opportunity to defend yourself against the charges and the right to cross-examine witnesses against you;
- A reasonable amount of time to prepare and present your position;
- The right to have an attorney represent you, if you wish;
- A hearing before disinterested, fair and knowledgeable persons at a time and under circumstances that give everyone a full and fair opportunity to present their position;
- Notice of how to appeal from a decision that you feel is wrong.

WHAT KIND OF COMPLAINTS CAN BE DECIDED BY THE PVS BOARD OF REVIEW?

The responsibility of the PVS Board of Review is broad but does not cover every possible dispute that might come up. Article 403.1 of the Rules provides the list of the kinds of complaints that must go directly to the PVS Board of Review. For example, if a decision is made which affects your ability to compete in swim meets or how you place in swim meets and you think the decision is wrong you may appeal to the Board of Review. If you are prevented from participating in the administration of the sport of swimming or being an official you may appeal to the Board of Review. If a decision is made by the PVS that affects your ability to coach swimmers you may appeal to the Board of Review. However, there are some matters that should be submitted directly to the National Board of Review. See Article 403.1 and 403.2 of the Rules to determine where your complaint should go. Remember that the PVS Board of Review does not involve itself in disputes involving the administration of individual clubs unless it affects the ability of members to participate in competition.

WHAT KIND OF COMPLAINTS WILL BE DECIDED BY THE NATIONAL BOARD OF REVIEW?

Article 403.2 of the Rules lists the kinds of complaints that must, or in some cases, may go directly to the National Board of Review. They include most matters where members of more than one PVS are involved; matters which come up at a regional, national or international swimming competition; matters involving sexual misconduct, and matters in which the National Board of Review determines that a fair hearing will not be held quickly enough at the LSC Board of Review level to do justice to the affected parties.

HOW DO I CONDUCT A BOARD OF REVIEW HEARING?

The PVS Bylaws and Part Four of the Rules have sections that explain hearing procedures. Article 406 of the Rules provides a detailed outline of the steps to be taken and procedures to be used when a Petition is filed. The purpose of the Article remains the same as before, *i.e.*, to give **due process** to **any** individual or **any** entity, club or organization participating in **any** activity of any kind of the PVS or USA Swimming - not just athletes, but coaches, officers, committee chairs and members, officials, clubs, volunteers and all classes of members as well.

The process can be summarized as follows:

- A. The Petitioner must provide a written Petition to the Chair of the Board of Review setting forth Petitioner's complaint against Respondent(s). (See Article 406.1 of the Rules.) [If PVS has a filing fee, this should be noted here.] (Check to see if PVS has an office that will transmit the Petition to the Chair of the Board of Review and follow up to find out when the Chair actually received the Petition.)
- B. The Chair of the Board of Review **may** appoint someone to investigate or mediate to see if the dispute can be resolved without a formal hearing. It is not unusual to have disputes cleared up when an impartial party listens to both sides and tries to mediate a dispute. This kind of informal resolution is to be encouraged; however, the investigating party should not also serve on the Board of Review panel hearing the case.
- C. A written Notice of Hearing must be prepared by the Board of Review Chair and delivered to the Respondent or its counsel. (See Article 406.4.1A of the Rules and the suggested form of Notice of Hearing which is attached hereto as Appendix B.)
- D. A written response to the Petition may be filed by each Respondent. (See Article 406.4.1B of the Rules.)
- E. Petitioner may file a written Reply to Respondent's Response. (See Article 406.4.1C of the Rules).
- F. A hearing must be scheduled by the Chair to take place no less than thirty (30) days and no longer than sixty (60) from the date the Chair of the Board of Review transmits the Notice of Hearing.

G. A hearing shall then be held (if **everyone** involved agrees the Petition can be considered based only upon the written statements that have been submitted without a formal hearing where witnesses are heard; otherwise, the parties must be allowed the opportunity to present evidence and witnesses and otherwise be heard at the hearing). Use common sense in conducting the hearing. (See Article 406.4.1D of the Rules.) Make all parties feel that they have a fair chance to state their position, present evidence and witnesses, cross-examine the other side's witnesses and that the Board has an open mind as it listens to their position. In all events please **give the athlete the benefit of the doubt!**

H. The Board of Review must decide the matter within fourteen (14) days after the conclusion of the hearing. (If time is not critical, it may be advantageous to delay the decision for a few days after the hearing to give full consideration to all the facts presented in a hearing rather than making a ruling immediately upon conclusion of the hearing.)

I. The Board must send copies of its decision to all Petitioners and Respondents (or their respective counsel) and to the PVS General Chair and Secretary. (See Article 406.4.1E of the Rules)

J. In the Board's decision, the parties must be given a statement telling them what they must do to request a rehearing before the full Board of Review (if applicable) or to appeal the Board of Review's decision and how long they have to appeal.

THE MEET DIRECTOR JUST TOLD ME THAT MY SWIMMER'S PROOF OF TIME IS NOT ADEQUATE AND THE SWIMMER WON'T BE IN THE EVENT LATER THIS MORNING. THE MEET DIRECTOR IS WRONG AND WE CAN'T WAIT FOR A HEARING FROM THE BOARD OF REVIEW. WHAT DO I DO?

First, you should review the meet information to see if it provides for any kind of appeal such as the Eligibility Jury provided for at the National Championships. (Article 207.12.4 of the Rules.) If you still believe your swimmer is being improperly kept out of the meet you should ask for an emergency hearing from the Board of Review. The Bylaws give the Board of Review a great deal of flexibility in handling emergency situations. Get on the telephone to the Chair of the Board of Review or the PVS General Chair and make arrangements to set up an emergency hearing under Article 406.4.2 of the Rules.

A meeting at the swim meet or an exchange of information by telephone, email, and fax can be arranged to permit a timely decision even if the athlete must compete under protest. (See Section 102.11 of the Rules.)

After the meet is concluded, a full formal hearing may be conducted at the request of the Petitioner or the Respondent.

HOW LONG DO I HAVE TO APPEAL A DECISION OF THE PVS BOARD OF REVIEW TO THE NATIONAL BOARD OF REVIEW?

An appeal must be taken within thirty (30) days from the date of receipt of the written Decision of the PVS Board of Review.

APPENDIX B

SAMPLE NOTICE OF HEARING

(Form may and should be modified to fit the actual circumstances)

NOTICE OF HEARING

To: [Insert Name(s) and Address(es) of Respondent(s)]

Re: [Insert Name of Petitioner] vs. [Insert Name of Respondent(s)]

CHARGE:

You are charged with having committed the following acts in violation of Section 304.3.xx of the Code of Conduct of USA Swimming:

[Insert details of charge; may be a summary if Petition is unnecessarily lengthy.]

This charge is based upon a Petition that was filed by [Insert Petitioner's name and address and the name and address of Petitioner's counsel, if any]. Attached hereto is a copy of the Petition filed with the Potomac Valley Swimming, Inc. Board of Review.

ANSWER:

You are requested to file an answer in writing to these charges with the Chair of the Board of Review whose mailing address is [Insert Name and Address of the Chair of the Board of Review or other person designated as the Presiding Officer in this case]

and to: [Insert Petitioner's name and address or that of its counsel, if so requested.]

at least fourteen (14) days prior to the date of hearing that is set in this Notice of Hearing. The hearing will proceed whether or not you file this reply.

HEARING DATE, TIME AND PLACE:

The initial date set for the formal hearing is [insert date, time and place of hearing] or to such other date, time or place as the Chair continues, adjourns or reschedules the hearing. You are requested to appear at that time with any counsel and witnesses. [This part would need to be rephrased if the proceeding were to be conducted entirely in writing or in writing with only oral argument at a hearing.]

HEARING AUTHORITY:

The power and authority of the Potomac Valley Swimming, Inc. Board of Review is established, and this hearing shall be held pursuant to, Part Four of the *Rules and Regulations* of USA Swimming.

HEARING BODY:

The hearing body will be the three (3) member panel of the Board of Review of Potomac Valley Swimming, Inc. consisting of: [insert names of members of the Board of Review designated to serve on this panel] or such other persons as are appointed pursuant to the Bylaws of Potomac Valley Swimming, Inc.

[This should be rephrased if the initial panel is of more than three (3) or is the full Board of Review.]

POSSIBLE PENALTIES:

The Petitioner has requested that (insert here what the Petitioner has asked for). In addition, the Board of Review has a broad range of sanctions, penalties and suspensions that it may impose on you if it believes that such are appropriate either in addition to or in lieu of those that the Petitioner is seeking. (See 404.1.1 of the *Rules*.)

APPEAL:

If you are dissatisfied with the decision, you must file a request for a rehearing before the full Board of Review within fourteen (14) days of your receipt of the decision, unless the initial panel was the full Board of Review or had seven (7) members. (See Article 408 of the *Rules*.) The request must be filed with the Chair of the Board of Review [here give name and address]. [If your PVS has imposed a filing fee applicable to a request for a rehearing, this should be noted here.] Your request must be granted if the decision was rendered by a panel of fewer than seven (7) members and the decision was not unanimous. Otherwise, the Board of Review may either grant or deny a rehearing in its discretion. If the decision is not subject to a request for a rehearing, a rehearing request is denied or the decision is the decision on a rehearing, an appeal may be made to the National Board of Review. The appeal must be filed with the Executive Director of USA Swimming, along with a filing fee of \$250.00 within thirty (30) days after the postmark date of written notice of the decision of the Board of Review. The address of the Executive Director of USA Swimming, Inc. is 1 Olympic Plaza, Colorado Springs, CO 80909-5770.

GENERAL INFORMATION:

You are entitled to be represented by counsel at your own cost, or by such other representative as you may choose, to have witnesses testify in your behalf, to question witnesses testifying at the hearing and to submit any and all evidence in your defense, including hearsay and documentary evidence, so long as it is relevant to the issues. You are entitled to ask that the hearing date be rescheduled so that you may attend,

secure witnesses or otherwise respond. Please direct all questions or correspondence to the Chair of the Board of Review of Potomac Valley Swimming, Inc., [insert name] at [insert mailing address].

Dated (Insert date notice is mailed)

Board of Review Chair

[If the notice is signed by the designated Presiding Officer, the title line should be changed accordingly]